



THE PLAYERS AND THE PROCESSES

2 PART

NEGOTIATING THE MAZE

This handbook focuses on giving local communities the tools and information they will need to understand wastewater issues, to set up community processes for decision-making, and to develop local sustainable wastewater management systems. In Part Two we look at ideas about community planning and decision-making in detail, and give an overview of the processes and players that will have a place in your community's decision-making.

Communities can fall into a passive reaction to options and choices presented to them, rather than actively becoming involved in community development of vision and options. This can result from unfamiliarity with complex and seemingly difficult formal processes and a lack of understanding of who should be involved. It can also result from nervousness in dealing with agencies and experts.

You should read *Section 4* almost as a checklist of issues, processes and players to think about – *before* you begin to design your own community process. Don't let the kinds of issues and the range of interests overwhelm you. Remember that each of these players has a lot of expertise in their particular area. Make use of that, make personal contact with people and develop a friendly approach. Remember that each of these players has a particular responsibility and that they are trying to manage a particular risk to human and/or ecosystem health. Respect that.

Also, remember that your community has the responsibility for finding the best fit for your area. Don't be afraid to challenge and debate ideas about risks, and ideas about solutions.

Above all, remember that many experts and communities alike are trying a whole new way of working with wastewater management 'inside' ecosystems. Old certainties about systems and technologies may not always hold true in all situations. Players will need to compromise and think about their particular concerns within this wider picture. This requires everyone to think about the impacts of technical systems on community change and on local economic systems, as well as on health and ecosystems.

For the expert and the relevant agencies, the challenge will be to manage risks while finding flexible sustainable solutions. You will need to understand the local circumstances, listen to the community's vision, and work with the people to find solutions.

4.1 Who are the players and what are they responsible for?

There are five main groups of people in any wastewater systems decision process:

- local community – residents and business people
- local government
- tangata whenua
- central government
- developers, individual land owners and interest groups.

Of these, the local community, tangata whenua and local government probably take the most integrated overview of the community and its wastewater needs. All three are concerned with social, environmental and economic issues, and deal with them on a day-to-day basis.

Central government tends to be more fragmented, with different ministries and departments having responsibility for particular issues. They will tend to comment on and deal with risks from their own perspective, but increasingly they are being required to work across areas. New 'all-of-government' initiatives expect that each central government player will take account of the impact of their focus on wider wellbeing. With the creation of the position of Minister of Urban Affairs and the development of a sustainable development strategy, there is likely to be even more focus on a holistic approach.

Developers, individual landowners and interest groups can be from the community or from outside, but in terms of wastewater issues they will have a very specific focus. 'Commentators' has been used as a term to cover outside interest groups such as environmental groups, who may not have a direct role in the area but wish to comment on its direction. Some may have a role in formal statutory processes. The Parliamentary Commissioner for the Environment might be considered as part of central government, or due to his/her independent status, as an independent commentator.

Each of these groups is now looked at in turn.

Local community

Residents and business people

Roles:

- users of the wastewater system
- funders of the wastewater system
- owners of any community decision-making process
- relationship with iwi and hapū.

Risk concerns:

- fit of wastewater system to needs
- impacts of wastewater decision on the character/growth of the community
- affordability of the system
- ability of people to manage the system
- impact of the decision-making process on community relationships
- environmental, public health and amenity impacts.

Your own community, including how it is structured and how it works, should be well known to you. People will have strong views. Some will be focused on the future shape and look of the community and what the wastewater system will mean for that; some will be focused on cost, some on environmental effects. They are all important points of view, but each person will need to learn to look at the big picture.

Local government

Regional Council

Roles:

- regulates discharges to the air, land and water – air discharges include odour, which is a key issue for wastewater management
- will set the standards for the volume and quality of wastewater disposal to water and the depositing of sludge in landfills
- monitors environmental quality
- may act as a funder of restoration projects for waterways (this may be a source of assistance for innovative ecosystem re-entry projects, such as wetlands).

Risk concerns:

- harm to ecosystem processes
- safety for contact sports
- safety for non-contact sports
- safety of fishing and food gathering
- harm to habitat.



Each community will have a regional council that covers its area. Usually the council is separate from the local district council, but sometimes they are combined in what is known as a ‘unitary council’. The regional council will cover a large area and may have its central offices some distance away, but there may be local offices in one of the larger nearby towns.

The regional council may be a source of information on environmental quality issues and will have mapping and monitoring resources that the local authority may not have. It is important to involve them in discussions, but at the same time they will need to maintain their role of regulating discharges. Some are reluctant to move beyond this regulatory role. They may be able to help you explore options, but will only be able to give final approval of options in terms of discharges via the resource consent process.

Some regional councils have extensive river, coastal, wetland and lake-edge restoration projects, either as part of their flood management work or as part of a wider restoration strategy. They may be interested in working with you to look at innovative schemes to manage the re-entry of wastes into the environment.

City or District Council

Roles:

- regulates the effects of structures and activities on the environment
- regulates building quality via the Building Act
- manages the rate and quality of growth
- is frequently the funder of new wastewater systems
- may fund river, stream, wetland and coastal restoration projects, which may assist with re-entry options
- may be the local landfill owner and manager – wider landfill policies may affect how biosolids are re-used
- has major interactions with the community on a range of social, economic and environmental issues
- is generally responsible for:
 - the designations for sewage treatment sites
 - pipeline approvals.

Risk concerns:

- harm to public health
- harm to ecosystem services and processes
- long-term social and economic impacts of wastewater decisions
- impacts of local community decisions on wider communities
- maintenance of a positive relationship with tangata whenua.

The local district council has a number of complex and overlapping roles. In many cases it will be the route by which funding of a scheme is organised. The ability of the council to take out loans on behalf of the community and to structure the repayment of loans in various ways will be an important influence on what options are chosen. The funding options that are often available are discussed in *Section 11*.

While considering funding issues, the council also has a responsibility to think about the wider effects of development on the community. This will not always be straightforward. The council may express a wider community vision about benefits and costs, and may be aware of development pressures that need to be managed and reconciled with local aspirations. With this role, the council and council officers will need to take a partnership approach to working out the relationship between local wastewater issues and further development. In return, the local community will need to be prepared to think about this wider picture. Trust needs to be developed between council and community on these issues.

The responsibility to regulate the effects of activities and development is an important role. The council will have an established vision set out in its district plan, which it must administer, but its own wastewater thinking may not always fit with this. There are processes that can be used to protect the integrity of the district plan rules, or to change them if they no longer fit new standards or expectations.

The council may also fund local projects, or provide other wastewater services that will affect how options are developed. For example, it may already own a wastewater treatment plant, which will be made more viable if the local community hooks up to it. This may not fit with local desires. It is the kind of issue that would need to be discussed as part of the decision-making process.

Māori

Tangata whenua

Roles:

- kaitiaki for the physical and spiritual health of the environment, including the waters, land and food sources.

Risk concerns:

- loss of the health of the mauri in people and the environment
- loss of the physical health of ecosystems
- Treaty of Waitangi breaches
- maintenance of health of the water cycle in particular – at the spiritual and social centre of Māori life
- protection of wāhi tapu
- maintenance of food resources, land and seafood
- general community health and wellbeing
- economic wellbeing of local communities.

Whatever the nature of your local community, you will have to work with the local hapū and/or iwi, especially that which has mana whenua status, and with Māori residents on wastewater issues. You will need to work with mana whenua representatives in particular because of the recognition in law of their traditional kaitiaki and environmental management roles. The Resource Management Act 1991 (RMA), which sets out the various resource consent processes you will have to go through, gives particular recognition to the Treaty of Waitangi and the role of Māori in environmental management issues.

This brief subsection sets out the basis for this role, while *Section 5* provides some pointers and tips on how to build a good relationship.

Why is the Treaty relevant to the development of wastewater systems?

Despite the fact that the RMA does not refer directly to waste management, it does deal with the link between environmental management and the Treaty of Waitangi. The RMA controls the discharge of contaminants to air, land and water through rules in regional plans, and manages the effects of activities on the environment through district plans. As required by section 8 of the RMA (above), when preparing plans and implementing the resource consent process, local authorities must recognise the principles of the Treaty of Waitangi. This means that local authorities need to be vigilant in ensuring that any proposal for development has properly considered Māori concerns.

Although the RMA and other laws in New Zealand refer to the principles of the Treaty, before discussing these in detail, it is useful to provide a brief explanation of the Treaty, and its provisions, or Articles, as they are commonly known. The Treaty of Waitangi has two texts, one in Māori and one in English, neither of which is an exact translation of the other. Despite the differences between each of the versions, both represent an agreement in which Māori gave the Crown the right to govern and develop British settlement, while the Crown guaranteed Māori full protection of their interests and status and full citizenship rights.

Essentially, **Article 1 of the Treaty** gave the Queen of England (the Crown) the right to establish government in New Zealand. This right was qualified by **Article 2 of the Treaty**, which guaranteed to Māori continued authority over their property and other ‘taonga’ or treasured possessions, and **Article 3 of the Treaty**, which guaranteed Māori the same rights as other British subjects.

A major issue within the Treaty is the Māori and English concepts of sovereignty. The English version gives to the Crown ‘all the rights and powers of sovereignty’ but guarantees to Māori ‘tino rangatiratanga’ – a concept similar to sovereignty – of their properties and other taonga. These issues are important and will continue to be debated. They will be important issues for wastewater management because wastewater has such a potential impact on resources, on development vision and on relationships between groups.

If your community is mainly non-Māori, people will need to be aware that iwi and hapū will often be keen to explore these concepts in the area of wastewater management. What that will mean will be a matter for discussion around the key issues affecting an area. If your community is mainly Māori, being aware of the rights and responsibilities under the Treaty will assist when working with the wider community, local government and central government.



Crown obligations and local government responsibilities

Sometimes there is a perception that local government (city, district, regional and unitary councils) is an agent of central government or the Crown. This is understandable, as councils exercise governance functions at a local level. However, local and central government are separate and have different Treaty responsibilities.

Put simply, the Crown is the Treaty partner and has a moral obligation to observe the Treaty, except where the Treaty is given the force of law and confers legal obligations on the Crown.

Local authorities on the other hand are not Treaty partners, but they do have legal obligations to recognise the Treaty and provide for Māori interests when carrying out their functions. One of these obligations is to take into account the principles of the Treaty when managing natural resources.

The next section talks about some of the Treaty principles and explains how councils may apply them when making decisions about wastewater management.

Some of the principles that have been developed include:

- *partnership – more than mere consultation, this explores the idea of acting jointly on issues*
- *the duty to act reasonably, honourably and in good faith*
- *reciprocity*
- *mutual benefit – the need to explore solutions that benefit each Treaty partner*
- *the duty to make informed decisions – this is key in terms of how information is made available, and is important to the wider community as well*
- *active protection – this means that a council must take active steps to protect those things of importance to Māori, and not just consider them*
- *redress – the need to remedy or rectify a wrong or grievance.*

The development of the Treaty principles themselves arose out of the need to apply the Treaty to modern circumstances and to overcome the differences between the Māori and English texts of the Treaty. There is no complete or definitive list of Treaty principles. Principles have been developed by the Crown, the courts and the Waitangi Tribunal,⁶ and they continue to evolve as the Treaty is applied to new situations.

⁶ Te Puni Kōkiri. *He Tirohanga o Kawa kit e Tiriti o Waitangi: A Guide to the Principles of the Treaty of Waitangi as expressed by the Courts and the Waitangi Tribunal*. Te Puni Kōkiri, Wellington, 2001.

⁷ Ministry for the Environment. *Taking into Account the Principles of the Treaty of Waitangi: Ideas for the Implementation of Section 8 of the Resource Management Act 1991*. Ministry for the Environment, Wellington, 1993.

As we discussed above, *Section 8* of the RMA gives status to these principles, which, in a sense, provide the basis for how Māori and non-Māori might work together on environmental management issues. They are also aimed at making sure that Māori concerns are protected – whether or not Māori are a major part of the population of your local community. The purpose of this section is to alert the reader to the fact that local authorities, when managing the use, development and protection of resources, must take into account the principles of the Treaty. This may require a consultation process with the local iwi/hapū to find out their views about a proposed project, such as the development of a wastewater system, and its implications.⁷ (For more detailed information about the application of the principles to environmental management, further reading is recommended.)

This is particularly relevant where local authorities are required to consult with local iwi/hapū if they are identified as an affected party in the consideration of applications for resource consents. The provision creates a need to build effective working relationships between local iwi/hapū and those involved in resource management processes, including communities.

Other provisions in the RMA

In addition to providing for the principles of the Treaty of Waitangi, the RMA also recognises and provides for Māori interests, values and environmental practices. Under the Act, all persons who exercise functions and powers shall:

- recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu (sacred sites) and other taonga (treasures or anything highly prized) (section 6(e))
- have particular regard to kaitiakitanga (section 7(a)).

The RMA also contains provisions that recognise the special place of tangata whenua as holding authority or mana whenua over an area through traditional occupation. These provisions include the requirement for local authorities to consult with tangata whenua when preparing a proposed policy statement or plan (clause 3(1)(d), schedule 1). (It should be remembered that not all iwi or hapū are recognised as tangata whenua in a particular area, and not all Māori identify with a hapū or iwi.)

As part of this requirement, local authorities must have regard to any relevant planning document recognised by an iwi authority (such as an iwi management plan) affected by the regional or district plan. This obligation is repeated in sections 66(2)(c)(ii) and 74(b)(ii). These sections state that when preparing or changing a regional policy statement or regional or district plan, the relevant authority shall have regard to any relevant planning document recognised by an iwi authority affected by the statement or plan.

Be aware that some local authorities provide for the assessment of effects on the mauri of an area. This means that more than just physical concerns can be taken into account – indeed, there may even be no obvious physical effect.

Section 1.5 showed how water lies at the very heart of the traditional Māori world view, and discussed the resulting approach to wastes and waste management. Choosing a wastewater management system will involve many aspects of Māori culture. In addition, discharges from wastewater systems often affect seafood-gathering areas and burial grounds, many of which can be found in coastal areas, dunes and estuaries. Your wastewater management process will involve looking at how the kind of wastewater system you choose fits with Māori perspectives *and* at the effects of discharges and structures on sites and places of value to Māori.

Whether your community has Māori residents or not, you will have to have regard for the Māori perspectives on wastewater management. At the very least, the resource consents process requires that iwi, hapū or whānau who have authority or interests in an area must be involved in the decision-making process. This may sound difficult, but it isn't. *Section 5.5 'Developing a process with iwi and hapū'* provides some tips on how to make this work.

The decision-making process tends to focus on the physical impacts of discharges – for example, on kaimoana and wāhi tapu. Māori have had very limited success in having their views influence actual wastewater management system design. Yet there are immense benefits in exploring Māori views on wastewater management with Māori residents and/or iwi. As wastewater management practices shift to fit a 'natural systems' focus, there is more and more common ground with Māori ideas of wastewater management. Given that wastewater management is a core concern for Māori, it is a good opportunity for relationships to be formed.

On the other hand your community may be based around a rural or town marae, or located on Māori land. It may be entirely comfortable with the Māori world view and be looking for assistance to argue this view in formal processes. There is an immense amount of case law and material that can assist you. You will find some assistance on where to go for material at the back of this handbook.

Mahinga mātaītai and taiapure

Provision has been made in fisheries legislation for the creation of mahinga mātaītai (seafood-gathering areas) and taiapure (fisheries management areas). These provisions recognise the special purpose of these areas and also allow for some direct mana whenua management⁸ of them. There may be different standards for discharges in these areas. You will need to explore this issue with local people and with both the regional council and the territorial local authority.

Special management arrangements

Increasingly, arrangements within Treaty settlement negotiations are coming to include provisions for direct iwi or hapū management of certain key areas, including those of specific cultural significance. Alternative arrangements may include joint management protocols with the Department of Conservation, the regional council, or the territorial local authority. You will want to establish whether any arrangements of this type are in place in your community, and who to contact in relation to them, when making plans for your longer-term wastewater management.

⁸ An iwi or hapū that has authority in an area by virtue of traditional occupation.



Māori as land owners

The RMA requires considerable attention to be paid to the role of iwi/hapū and associated kaitiaki in environmental management. But there may be areas of land in your region under Māori ownership. You will want to ensure that the relevant landowners have the opportunity to become engaged with the process from the earliest possible point, including sufficient opportunity to become involved in the design of any wastewater management initiatives affecting their land, and that sufficient emphasis is given to any issues or concerns Māori may have with what is proposed. In this case you need to remember that there will be many individuals who have an ownership interest in that land, all of whom have a right to be involved in decisions about its future.⁹

If the options you are exploring involve use of that land for wastewater management, or if the land may in some way be affected by your proposed options, then a good amount of time will need to be set aside for discussion.

Use of rāhui and tapu

It may be that one of the mechanisms your community uses to manage the risks associated with your wastewater system is to control people's use of beaches and streams that are near points of discharge. This is a tool often used by local authorities and by the Ministry of Fisheries. Māori also use the concept of rāhui to control access to a site where the resource is under stress. Tapu is used to restrict access where some serious spiritual disruption has occurred. Some communities have used a combination of rāhui and other restrictions. It may be worth exploring a joint approach.

Central government

Ministry of Health

Roles:

- sets and monitors national health standards
- monitors and grades drinking-water quality
- sets the policy framework for managing public health risks
- funds community wastewater systems.

Risk concerns:

- provision of safe, sanitary conditions (drinking water, wastewater treatment and discharge, solid waste management etc.) to all communities.

Drinking-water

The Ministry of Health does not have a direct 'regulatory' role, whereby it can require communities to take a particular approach to wastewater management. It is responsible for setting overall standards and takes a major role in setting drinking-water standards and ensuring they are maintained. The Ministry takes an interest in the development of local wastewater systems because of their capacity to pollute water supplies and because of the risks of disease.

The drinking-water standards will have major importance for your community because of possible risks to drinking-water supplies from wastewater pollution. The most common is the seepage of effluent from septic tanks into groundwater when the soils cannot absorb the wastes.

The Ministry of Health has prepared guidelines to help communities identify the possible risks to their water supplies and the plans prepared to reduce that risk. The guidelines are called *How to Prepare and Develop Public Health Plans for Drinking Water Supplies* (2001). These guidelines, together with the *Drinking-Water Standards for NZ 2000* and other material relating to drinking water, are available on the Ministry of Health's web site at: www.moh.govt.nz.

Funding for wastewater systems for small communities

The Ministry's role in funding wastewater systems has been reactivated because of the actual and perceived public health risks from substandard wastewater systems in small communities. This funding role will mean that it is likely to be more directly involved in the process of choosing a wastewater system (if your community wishes to apply for the funding available). The subsidy scheme is discussed in detail in *Section 11*.

The Ministry of Health is participating in the whole-of-government initiatives (see 'The Whole of Government Programme', below) for certain parts of the country. This means that its approach to managing public health risks in communities that are vulnerable to other problems will be linked to issues of income, the affordability of the system in the long term, and housing design issues.

Public health service

Roles:

- provides public health services in the district, including administering the provisions of the Health Act 1956
- carries out Ministry of Health policy for managing public health risks, including those related to drinking water and wastewater.

Risk concerns:

- provision of safe, sanitary conditions (drinking water, wastewater treatment and discharge, solid waste management etc) to all communities.

Public health services employ medical officers of health and health protection officers, who are statutory officers with functions, powers and duties under the Health Act 1956. They work closely with the environmental health officers of the territorial authorities (city and district councils), who also have duties and functions under the Health Act.

Before 1990 these public health services were the district offices of the former Department of Health. Today most public health services are a part of the District Health Board for the area, although a number provide services for several health board districts (eg, Canterbury Health provides public health services for the Canterbury, South Canterbury and West Coast regions).

Most public health services can be found in the telephone book under 'Hospitals and Other Health Service Providers' at the front, just after the 'Registered Medical Practitioners' section. If you can't find your local public health service, ring the District Health Board or main public hospital, who will advise you on how to make contact.

The public health service role is guided largely by the public health priorities developed by the Ministry of Health.

Ministry for the Environment

Roles:

- sets and monitors national standards for managing environmental effects, including:
 - discharges to water (no national standards exist as yet)
 - discharges to land (no national standards exist as yet)
- sets the national policy framework for:
 - sustainable management of natural resources, ecosystems, etc.
 - a national approach to wastewater management systems (see the *New Zealand Waste Strategy*)
- monitors the implementation of the RMA, which is the main piece of legislation you will have to use to get permission to develop any wastewater management system
- funds innovative community projects via the Sustainable Management Fund (this may be relevant if your community wishes to explore new systems or innovative processes).

Risk concerns:

- protection of natural processes
- risks arising from unbalanced, unsustainable general development.

The Ministry for the Environment is unlikely to take a direct role in the development of a wastewater system, but it is the key agency with an overview of decisions as they relate to the environment. The Ministry is also unlikely to fund actual wastewater treatment plants and systems, but may be prepared to fund the exploration of innovative ways of involving the community in waste management. This would be through the Sustainable Management Fund. Details about this fund can be found at <http://www.smf.govt.nz/>.

The Ministry is taking a broader interest in sustainable development issues and will provide advice to the Minister of Internal Affairs. This is likely to lead to an even greater focus on sustainable development, and a greater interest in the links between the economy, social concerns and the environment. Given the huge impact of wastewater systems for a community, there is likely to be a greater focus on wastewater issues – both from an ecosystem perspective and in terms of community management and economic development issues.

⁹ Māori land means Māori customary or freehold land as defined in Part VI of Te Ture Whenua Māori Act 1993.



Minister of Conservation

Roles:

- responsible for approval of activities within the Coastal Management Area.

Risk concerns:

- impacts on the natural character of the coastal area and impacts on coastal ecosystems.

Department of Conservation

Roles:

- looks after the Department of Conservation estate – DoC's responsibility is to protect the natural systems, native habitat and wildlife
- responsible for developing the National Coastal Policy Statement, which sets the framework for managing activities along the coast
- can comment on the general environmental effects of actions affecting the DoC estate
- may act as a funder of restoration projects for waterways – this may be a source of assistance for innovative ecosystem re-entry projects, such as wetlands.

Risk concerns:

- loss of native vegetation, habitat and wildlife on the DoC estate
- failure of ecosystem processes.

There is a good chance that the Department of Conservation will be directly involved in your processes. As a land owner it will have direct concern for the effects of any developments and discharges on its lands. The Department can be the owner of quite small areas and reserves that at first glance you might think belong to the local council. The best thing to do is to check with your local council or talk to the nearest conservancy office.

The Department of Conservation may also administer marine reserves in your area. You will need to check this, or check whether there is a proposed reserve. Standards for discharges into these areas may be different from those in other areas and could have a major impact on your options.

The Whole of Government Programme

The Government has set up a Whole of Government Initiative on Substandard Housing, concentrating on the North Cape, East Coast and Bay of Plenty areas. The aim is to improve the health and social wellbeing of people by sustainable programmes to improve their housing and economic and social welfare through a project organised and funded by Housing New Zealand, but involving a number of different ministries.

Ministry of Health involvement is through information sharing, subsidies for community sewerage schemes, and encouragement of those health professionals on the ground to identify and prioritise housing needs. The Ministry for the Environment is providing a supporting role.

Parliamentary Commissioner for the Environment

The Parliamentary Commissioner for the Environment is an independent Officer of Parliament appointed for a five-year term under the Environment Act 1986. 'Independent' means independent of the government of the day.

The Commissioner's job is to review and provide advice on environmental issues and the system of agencies and processes established by government to manage the environment. The primary objective of the office is to contribute to maintaining and improving the quality of the environment in New Zealand through advice given to Parliament, local councils, business, tangata whenua, communities and other public agencies.

The Commissioner has taken an interest in wastewater management issues, publishing *Ageing Pipes and Murky Waters: Urban Water Issues for the 21st Century* in June 2001. A local community may ask the Commissioner to investigate planning and consultation processes and issues in their area. This is an extreme approach, and should only be used if it is felt that there is no other way of working through the issues. The Commissioner will not become involved in finding solutions, but will review the overall thinking and processes.

Developers, individual land owners and interest groups

Most people will be concerned about what any general decisions will mean for their land and what they can do with it. It is important to remember that people who may be on low and fixed incomes will be concerned about the impacts of the decision on their income. People may also be concerned about the impact of any development decisions on their ability to release some of the value of their land as income later on.

These are legitimate concerns and will need to be considered and discussed as part of any exercise to explore the effects of wastewater decisions on the future of the community. At the same time, land owners will need to be willing to step outside their particular concerns and think about the big picture.

There may be developers who are keen to release some of the development potential of an area. Others will see the value of land being increased by allowing some development but limiting surrounding development. Often wastewater decisions will be key to their aspirations. They will certainly seek to be involved in the process.

This can be a positive thing, but will need to be managed. With the range of systems available, particularly cluster systems (see *Part Three*), it is possible to pull together solutions that satisfy a range of interests. Some developers may be prepared to use relatively new systems in order to achieve the developments they want.

There may be interest groups that will want to comment on your wastewater decisions. For example, environmental groups may have an interest in the impacts on the local estuary because it is of regional or national significance. Recreational fishing groups may also have a perspective.

It is very important that these groups are recognised as part of any processes, and that they do participate. It is also very important that they are made to participate in the process of discussion that will be needed to find a solution. Sustainable development means finding solutions that recognise social, environmental, economic and cultural linkages and working with them. This does not mean that environmental bottom lines and basic ecosystem needs should be compromised. It does mean there will be solutions that need to be worked through and tested from a range of points of view.

4.2 What kind of processes will your community have to deal with?

There are six kinds of relevant process:

- identification of the problem and the need for different wastewater management procedures
- an initial community-driven process to develop options and choices
- a formal statutory process to establish the council's funding policy
- a formal consent process to gain permission to construct the wastewater system
- a formal process that manages any growth implications linked with the wastewater management decisions (not always needed)
- various processes to apply for funding assistance from outside agencies.

The community process is discussed in *Section 5*. This section looks briefly at the formal processes.

Funding processes

As options are developed and tested they will need to be costed. Often the local district council will fund the development up front and recoup the costs through rates or charges. The Ministry of Health also provides funding for community-wide treatment systems for smaller communities. This recognises that the cost of new systems can often be beyond the ability of people to pay.

Local authority funding processes

The council must go through a formal process to look at the impact of any proposal on the wider community's long-term and annual costs. This process has four parts.

1. Generally, a three-yearly process *identifying the community's long-term vision*. This can be a chance for the community to put forward its ideas. The passage of the Local Government Act during 2002 has created a focus on long-term community planning for a district. Local authority strategic and financial planning will be expected to fit in under this framework and link to the actions of other agencies. You will need to check the Local Government Act 2002 for details of this new approach. It provides a major opportunity for a community to discuss wastewater management.



2. Generally, a three-yearly round of *identifying the long-term costs to council* of any proposal and including these in a financial strategy. It is then consulted on formally – usually in April–June of the relevant year (each council is a little different, but fits within this timeframe), just before the final decisions about annual spending are made. This will be linked to the idea of the community plan in the new local government legislation.
3. Formal processes, following both three-yearly and annual cycles, to *identify how different services are funded*. This is very important because it will affect how the costs for a wastewater system are borne by the community. Choices for funding options are discussed in detail in section 11.
4. *An annual round to establish spending* based on the Long Term Council Community Plans (LTCCP). The annual spending proposals are consulted on in the same April–June period. This is another chance to make sure the proposals are considered.

If there has been a joint process with council to identify the preferred option, then it will be automatically included in discussion of long-term overall financial costs. This makes it much easier than trying to get your solution absorbed into costs after a council has set its draft long-term budgets. It is a very powerful reason for working with your local council. Certainly for larger engineered options, this joint approach is essential.

If you have developed a proposal independently and if you want wider community help to fund it, then you can make submissions to the LTCCP and annual plan processes. This kind of approach is probably most appropriate if you are seeking such things as assistance to manage on-site systems.

Once a proposal has been agreed to, it will be included in the detailed asset management plans, which tell asset managers what to do over a 10–20-year period.

It is important to be familiar with these processes. There will be people in your local authorities who are there to help people get involved in these processes.

Relevant legislation

New Zealand does not have a particular piece of legislation that oversees the management of wastewater other than the Local Government Act 2002. The other main relevant pieces of legislation are the Resource Management Act 1991, the Hazardous Substances and New Organisms Act 1996, and the Health Act 1956. For information on how this legislation impacts on wastewater management, see *Appendix 2*.

Getting consent for a proposal

There are two councils you will need to work with:

- the regional council, which is responsible for consents regulating the effects of discharges on the environment (water, air and land)
- the district or city council, which is responsible for managing the location and nature of activities and structures, and their effects on the environment and the surrounding community.

Where the scheme impacts on the coastal marine area, the consent of the Department of Conservation will also be required, but the regional councils usually run the process and administer the consent. If a wastewater system proposal has been developed with the district or city council, they are likely to take the proposal forward to apply for consent. Because the council is applying for the consent under the rules it has also developed, it must use a commissioner to hear and decide on a proposal. If the proposal is an on-site system, then individuals will apply. In either case, your community needs to be familiar with how the processes work.

Discharge consents (regional council)

Consent will be needed from the regional council for any discharge to land, water or air. This means that any treated wastewater and sludge re-entry system will require a regional council consent. The regional council will also be interested in the overall system if there is any risk of failures and overflows into water or onto land.

The issuing of consents will be guided by the regional policy statement and regional plans (eg, a regional freshwater plan).

Resource consent – location and effect of activities (district or city council)

The district council will need to issue a resource consent under the RMA for any physical system. For example, you may be proposing to locate a treatment plant in an area where such systems are not usually allowed. Special consent will be needed. The district council will be interested in the effect of the activity, but does not have the power to approve discharges into the environment.

The rules and guidelines for managing these effects are found in district plans. Some councils will have rules in their district plan that focus on the effect of an activity rather than on the kind of activity it is. Others may have lists of activities that will be allowed in some areas and not others, no matter what the case-by-case effect. If you need help to work your way through the detail of these requirements, your local council will have staff who can help.

There will be different kinds of processes you will need to go through, depending on the level of the effect and how far it departs from the usual standards. If your proposal is for some kind of community system, you more than likely will have to publicly notify your application so that people can comment.

This is where your earlier community process will be so important. If your community has run a good process, this is unlikely to be a major issue. Of course you may not have been able to get total agreement and it will be up to those hearing the application to consider all sides. Failure to get agreement does not mean a failed process if all people have had a chance to participate. The process has failed if people object to the proposal *because* they haven't had a chance to be involved.

If your proposal is for on-site systems, it is unlikely that you will have to publicly notify your application.

Subdivision consent

In some cases subdivision of land may be necessary. For example, a cluster treatment and associated re-entry system (see *Part Three*) may have an innovative site layout where houses are clustered on one or two sites. Subdivisional consent under the RMA is required, and is often obtained at the same time as the resource consent. Doing both together may allow for a more innovative approach to be negotiated.

Subdivision and resource consents are guided by the local district plan, which sets out general policies along with rules for controlling activities.

Discharge, resource and subdivision consents are given under the general authority of the RMA. Sections 5–8 set out the overarching framework within which the regional and district plans must be developed. The focus is on sustainable management of the environment and protection of a range of values. There is a requirement to have regard for the relationship of Māori with their lands, waters, wāhi tapu and other taonga, to give effect to the concept of kaitiakitanga and to take account of the principles of the Treaty of Waitangi.

Building consents

Building consent will be needed for any structures and for new plumbing systems that may be used to reduce wastewater production. The Building Act focuses on achieving certain standards rather than requiring a particular approach to building and wastewater systems.

A council often has a code of practice, which gives examples and basic requirements for subdivision and which, if followed, is intended to make it easier to get a consent. Be aware that some of these codes can be quite old and may not have examples of some of the more innovative approaches being used around the country. Check this out and discuss with council officers.

Council officers will be called in to advise on consents and, again, some will be very familiar with new ideas and some will not. Standards New Zealand, an organisation that develops guiding standards for a wide variety of issues, has developed guides for innovative approaches to subdivision, and these and other guides will be influential. It is important that the staff administering the consents are up to date with new ideas.

Environment Court

Any community or individual with a direct interest in the issue is free to challenge consent decisions. It is possible to obtain finance to pursue this course of action under certain circumstances. It is also possible for the Environment Court to determine that the costs of hearing and defending a frivolous or vexatious appeal could rest with the appellant, where they are considered to be an abuse of the system causing extra costs and delays for personal agenda reasons. These appeals are considered by the Environment Court, which deals with contentious issues and interpretation. It is possible to take an appeal on a point of law to the Appeal Court.



Dealing with the overall development framework

Your community may find that the overall vision for development and the associated wastewater management systems simply don't fit the current district plan policies and rules. Your local council has to review the district plan every 10 years, but many councils use a 'rolling review' process which timetables different sections for review over that period. If things are seriously out of kilter the council may undertake a one-off review.

There is also the ability to apply for a private plan change, but this can prove very expensive and time consuming. You are better off talking to council officers about the issues, and how the overall development control framework might be reviewed.

4.3 The kinds of issues each player will need to consider

There will probably be one particular issue that will start a community looking at its wastewater systems. The main ones are quickly outlined below. It is important to remember that different groups and agencies will cluster around the various areas, but in the end all the issues will need to be addressed. Each of the players set out earlier in this section will need to consider how their conclusions about the particular risks and issues they wish to manage affect other outcomes and the overall community vision.

Environmental issues

Ecosystems and ecosystem services

This has been covered previously in general terms (see *Section 1*). It will be an important factor in deciding on a solution. There may be tensions between managing health risks (often a centralised system is preferred) and managing the effects of single point discharges on the environment. There will be a range of groups interested in these issues – from environmental protection agencies such as regional councils, to hapū, to recreational fishing organisations. It will be important to make links with them all.

Other impacts

The specific effects of particular technologies and treatment processes will be an issue. Odour, impacts on groundwater and the water table, impacts on soils from disposal to land, slope and water run-off, and impacts on cultural sites and the landscape will all have to be taken into account. You will need to work with a wide range of groups and organisations, especially the local council and land-use planners.

Health impacts

Sometimes it will seem that in order to solve health problems, technical engineering solutions are unavoidable. For example, there will be the potential in your community to reduce health risks by reducing the volume of wastes. However, some of the water conservation solutions, such as re-use of 'greywater' (see *Section 6.1*) or composting toilets, can have their own health risks. Some agencies may support traditional solutions that can deal with large treatment volumes as the most proven way of dealing with human health risk.

Solutions to immediate environmental or health risks may, however, exacerbate health problems that arise from poor housing or diet because of the extra burden on income. These issues are increasingly recognised by central government agencies responsible for housing and health. Formal whole-of-government programmes are being developed to deal with these issues.

Cultural issues

These have been discussed at various points. There is a statutory requirement to pay particular attention to Māori cultural concerns and processes. But there is also a need to think carefully about other cultural values to resolve on-going conflict. These values might be expressed as a desire to keep the local beach settlement small, low-key and casual. This is not necessarily a simple 'anti-growth' sentiment that some might feel needs to become more sophisticated. It can also derive from a strong sense of place and a feeling that a community and its environment are unique. This is likely to be the case for smaller communities that are more closely attached to their local environment. These perspectives need to be acknowledged in discussions.

When you enter any formal resource consent stage, a formal assessment of environmental effects (AEE) of options will be needed. This is required under the RMA and has a number of considerations that have been shaped by case law. The range of effects that need to be assessed includes natural environment impacts and impacts on the people's social, cultural and built environment.

Cost, funding and social impacts

The cost of new systems – be they on-site or off-site – can be a problem for communities. There is now the benefit of the Ministry of Health grants to help poorer communities to make changes.

The issue of the cost of a wastewater system is an important one,¹⁰ but often the immediate costs of buying the system are the focus rather than the long-term social impacts of the wastewater decision. It is important to remember that a wastewater system, even with grants assistance, can impose high long-term costs on people with low or fixed incomes. For example, the benefits of improved public health may be offset by health problems associated with poor housing because people cannot afford decent housing. This is a recognised issue in some of the more remote rural areas of New Zealand.

The whole-of-government initiative is a step towards central government agencies thinking about the links between decisions. It is important that all participants think about these issues. A more linked approach may lead to different funding decisions, or a new approach to managing the existing systems. It may even lead a community to a different choice about the type of system they want.

Choices about community change

This was discussed in some detail in *Section 1*. Underpinning any wastewater decision will be the impacts on the future direction of the community. These need to be thought about in an open and inclusive way.

Kauwhata Marae sewage treatment system: making the system fit your needs

The Kauwhata Marae is located on one hectare of land near Feilding in the North Island and serves the descendants of Kauwhata. The wastewater system was a 3,300-litre septic tank with the overflow going into a heavy clay stratum, which was not the best for soakage. An area of only 400 m² was available for disposal. There was concern that the soakage was making its way into the nearby stream; about 30% of the disposal field was only 20 metres from the stream edge. The system also became overloaded when manuhiri were at the marae. Effluent would come to the surface and cause health and odour problems.

It was estimated that any system needed to be able to deal with about 12,000 litres per day. A marae working committee made up of marae trustees and marae committee members was set up. Over two years the committee worked with marae members and the engineer to explore options. The committee also took responsibility for consulting with adjoining land owners to gain their permission for the system chosen. This meant that the proposal could go through a non-notified rather than a notified consent process. There was a review of the site and its characteristics, and discussion of a range of options, each with potential costs. Marae members rejected any system that included disposal into the stream, and were clear that the wairua must be protected. A key step was to provide marae members with information about the different kinds of systems available and to show them the quality of the treated effluent that was possible.

The marae members chose a system that allowed them to store peak loads in three 25,000-litre septic tanks. A timer allowed the stored effluent to be treated at a constant rate by filtering the effluent over a sand bed, where micro-organisms broke it down. The treated effluent was then 'dosed' into the ground using trickle irrigation tubing at a rate of 3 mm per metre a day. The general system is known as a packed bed reactor, and overall the cost was about \$25,000.

The marae was able to build a system which satisfied their fears about the impacts of paru (effluent) on the stream and mauri. They achieved it on a small site and were even able to have the disposal area within 10 metres of the stream. The system catered for manuhiri and for day-to-day needs. They ran the process, made sure that everyone had the information they needed to make a decision, and consulted directly with neighbours.

¹⁰ This is addressed in more detail in *Section 11: Management and funding of wastewater systems*.

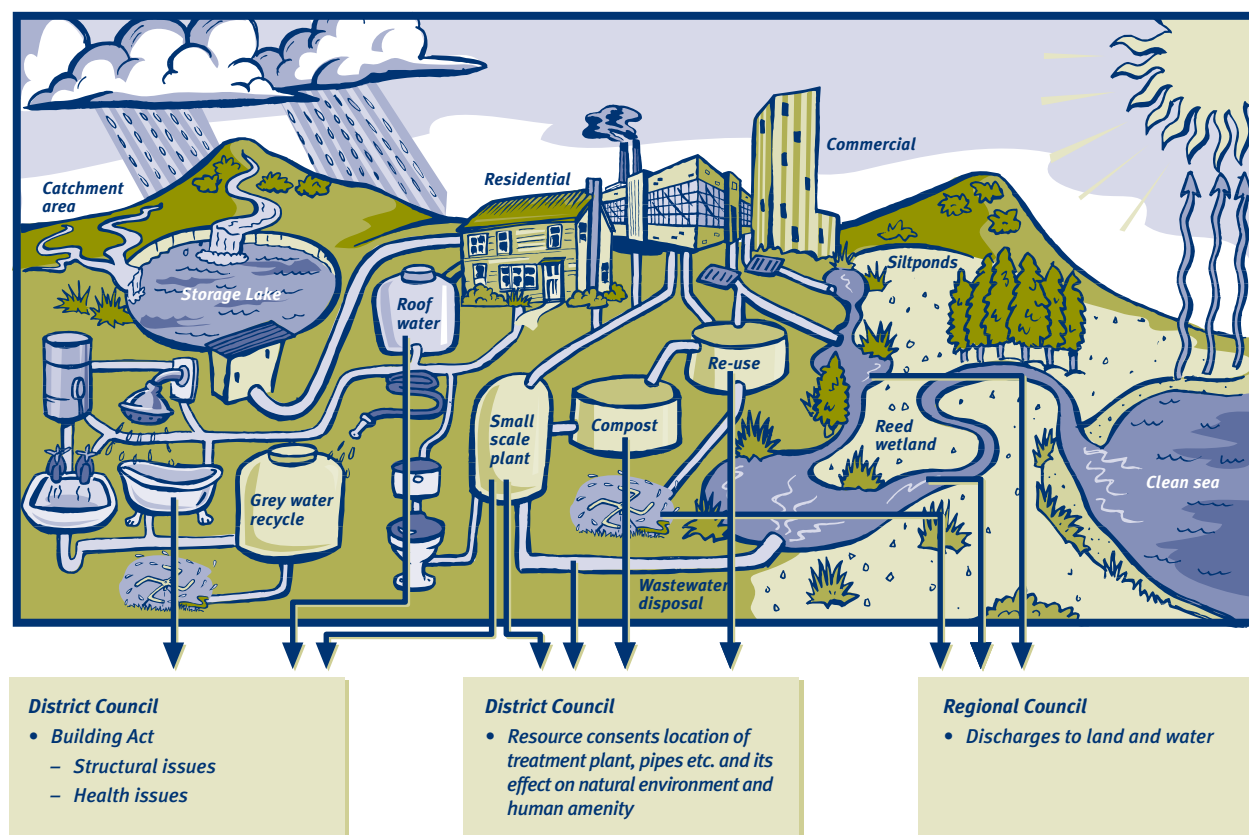


Figure 4.3 Where the responsibility lies...

COMMUNITY PLANNING AND DECISION-MAKING

5.1 Key features of a community decision-making process

Deciding on a wastewater system is probably one of the most important decisions your community will make. Not only will it deal with the wastewater itself, but it can influence how the community develops. It will have a major impact on the local environment and on day-to-day expenditure for each household.

This section focuses on a community-driven decision-making process. This is not because of any belief that local councils and experts resist or are uninterested in community involvement. The focus is based on the view that because wastewater management is so fundamental to a community's future, there is immense benefit in having real and meaningful community participation. If nothing else, it is likely to reduce the often huge lead-in times for developing a new system. Resistance and objections can often arise from lack of understanding and frustration. The costs of that frustration can be huge, not least in the costs of challenge in the courts.

The focus on community planning and decision-making is not intended to suggest that the community should 'go it alone'. Professional experts, agencies responsible for health and environmental standards, engineers and the local council will need to form part of the team and the discussions. But the handbook does take the approach that communities need to be supported and encouraged to take a lead.

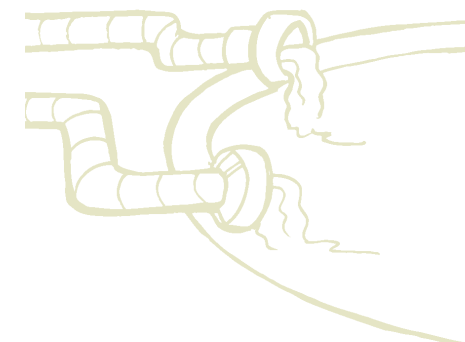
This section is written with the view that meaningful participation is most likely to occur if the community drives the process. This does not mean excluding or disregarding the expert's view or the council's viewpoints. It simply means that if people can have access to information and ideas before options are developed, and if those choices are transparent and driven locally, then a more successful process will result.

The ideas in this section are based on a community decision-making model, whereby the final decision on the best wastewater option sits clearly with the local community, in partnership with the local council. The emphasis is on encouraging a community-led process and on helping community groups with the nuts and bolts of how that might work.

There are many books and kits available on community planning and decision-making, and there is a list of helpful sources at the back of the handbook. This section acts more as a checklist of issues and hints you will need to explore in more detail as you work your way through your process.

The table below broadly describes the kind of decision-making process that smaller communities often experience when making wastewater system decisions. Usually the local authority initiates the process, sometimes in partnership with the community. The community's wider ideas or vision for their community will be sought as a kind of framework for making the detailed waste management decisions. Experts will be commissioned to develop and review options. There will then be consultation with the community, usually when the options have been narrowed down to a limited number.

Most local authorities try to consult in a genuinely inclusive way. Some will attempt a partnership approach in terms of managing the project, but a joint analysis of options is rare. This is where the experts and council officers work on the same footing with the community – where information is made available first and then there is joint development of the options and final choices. This needs skilled facilitation and a willingness to take time.



Project stages				
	Initiate	Plan (choose options)	Implement	Maintain
Self-help Community control	Community initiates action alone	Community plans alone	Community implements alone	Community maintains alone
Partnership Shared working and decision-making	Authorities and community jointly initiate action	Authorities and community jointly plan and design	Authorities and community jointly implement	Authorities and community jointly maintain
Consultation Authorities ask community for opinions	Authorities initiate action after consulting community	Authorities plan after consulting the community	Authorities implement after consulting community	Authorities maintain with community consultation
Information One-way flow of information; public relations	Authorities initiate action	Authorities plan and design alone	Authorities implement alone	Authorities maintain alone

Table 5.1 Summary of levels of involvement for a process initiated by council

Note: The shaded areas indicate the more common planning and decision making processes used.

As can be seen from the shading in the table, it is most common for the council to control the process. Both the Local Government Act and the RMA require consultation, so an information-only approach is unlikely to be used by a local authority.

A community-driven process is outlined on the next page (Table 5.2), using the same grid for comparison. A community is more likely to have confidence in a project if it initiates and designs the process. In that situation it can invite the involvement of external authorities and set clear 'rules' of behaviour and involvement. The most successful variation on this is a partnership model where the community and the authorities initiate a project together.

In terms of the second stage – the planning or options stage – it is essential that there is a joint process. This will have a big effect on how and when information is developed and made available. The community will need access to information before any options are developed. That information must be available in a way that everyone can understand, and they must be given time to understand it.

With this process some clear protocols will need to be worked out. Often a local authority will be the source of funding for the project, and often they will commission any technical studies. It will be important to agree how things like project briefs are signed off, and you will need to make sure that community people are present at discussions with any experts. It is often during these face-to-face discussions that the shape of studies and the directions of conclusions are worked through.

A self-help community control model is not useful when dealing with wastewater systems. Whether you are planning for a system for a marae, for your small bach or crib, a community, or a small town, the authorities and experts are likely to have a role. There may be some exceptions to this. For example, your community may be just looking at ways to improve how everyone manages their on-site systems. You may go to the council for information, but the real focus may be on setting up a community maintenance plan.

By far the most useful process will be to involve everyone in the planning and design stage. Indeed, a joint planning and design stage is the most important part of any process – be it community-driven or council-driven.

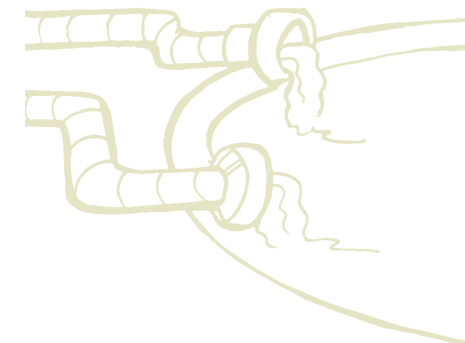
Project stages				
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Information One-way flow of information; public relations	Authorities initiate action	Authorities plan and design alone	Authorities implement alone	Authorities maintain alone

Table 5.2 Summary of levels of involvement for a community-driven process

Note: the shaded areas indicate the community-planning process. The joint planning options choice stage (dark shading) is essential.

It is important to any community decision-making model for the community to keep its influence over the implementation and maintenance stages. There will always be decisions to be made, although some may be years away. For example, a system may be built and then new standards may be imposed that require some changes, such as requiring greater treatment of wastes. It would be easy to say this is a simple operational problem, but it could have as much impact as the original decision. A joint implementation or maintenance group is one way of dealing with this. Or it may be useful to sign an agreement with the council about how and when reviews and consultation will occur.

It is also important to remember that any community will be complex. The willingness to take time in the early stages will be important; it will save time in the later formal stages.



Raglan wastewater and community consultation

In 1994 a resource consent was issued to the Waikato District Council to increase the maximum sea discharge from the Raglan oxidation ponds from 1,000 to 2,600 cubic metres per day. The consent period was five years, with the condition that alternative options be investigated and trialled. The decision was appealed by tangata whenua representatives.

To resolve the appeal, a consultative group was established comprising tangata whenua representatives and an equal number of other community members appointed by the Raglan Community Board. The consultative group developed a number of options during an agreed one-year period and resolved by majority vote that a pond/wetland treatment system incorporating an extended sea outfall be adopted. The treatment standard was to meet bathing water guidelines. However the pond/wetland system did not receive the backing of tangata whenua. Consents for the pond/wetland system were granted in 1999 for a peak discharge of 3,400 m³ per day, and were subsequently appealed by mana whenua representatives, council and other individuals. The mana whenua appeals concerned the continued discharge to sea and wāhi tapu issues relating to the existing treatment site.

A mediation convened by the Environment Court was held in 2000, where it was decided that the views of council and other appellants were too divergent to allow mediation to occur. It was agreed that a less formal, facilitated meeting process might be helpful in reaching resolution. A series of facilitated meetings was held between 2000 and 2002. The meetings were funded by the council and a meeting allowance paid to appellants. A number of treatment and disposal options were put forward for consideration by appellants, council, consultants and specialist companies. Several preferred options were investigated in greater detail.

In 2002 agreement in principle was verbally reached between mana whenua appellants and council for an immediate upgrade to the treatment process to produce a shellfish-

quality discharge of 2,600 m³ per day, a 15-year consent term, and the commitment of \$1 million of council funding toward investigation and implementation of land disposal within a five-year period. The wāhi tapu site would be restored by removal of the front treatment pond. However, the agreement was not formally signed by the mana whenua appellants, who subsequently sought a five-year consent term and financial penalties on council if land disposal is not in place within five years. Mana whenua's stated bottom line is that there be no discharge to sea. Also, they retain a historical distrust of council arising from past events.

Council is reluctant to give a cast-iron guarantee that land disposal of all treated wastewater can be practically achieved within five years. This is due principally to the poor soakage characteristics of local clay soils and the potential effects on small tributary streams.

The council's perspective was that the facilitated meeting process allowed full and open discussion and provided a forum where options could be fully investigated, criticised and evaluated in light of all parties' concerns. It allowed the parties with widely differing views to come very close to reaching agreement.

The perspective of some of the appellants was that there was a recognition of equity issues and there was a genuine attempt by council to investigate alternatives and address issues. However, from the appellant's perspective, this was only a small step towards an inclusive and open process. This reflects the importance of good process in resolving these differing points of view.

After almost \$1 million expenditure of public money on the process and investigations since 1994, a full court hearing still appears likely. The old oxidation ponds are still in service awaiting a major upgrade, while the township of Raglan continues to grow rapidly. Designing a process involving community and Māori at the beginning would probably have reduced these costs.

The remainder of this section explores some suggestions about how to get started and how to start looking at options. It also provides some general suggestions on how to survive along the way.

Riversdale Beach: sticking with the process!

Riversdale is a small coastal community east of Masterton in the Wairarapa. It was first developed in the 1950s and has a permanent population of about 90 people. There are about 230 houses, so in the summer the population more than doubles. The lagoon that was used in the past for swimming is now unusable, and there is a general perception that the groundwater is contaminated by septic tanks. Future development potential is limited, but if a new system was put in it would mean further land could be developed. The community must decide on the system it wants while thinking about this wider development issue.

The community process began in the early 1990s and is still under way. The process began with the local ratepayer association taking the initiative and holding public meetings with the Wellington Regional and Masterton District Councils. A consultant was commissioned to develop a report, but the results were not agreed to at a public meeting. The report was updated three years later in 2000 and there was a community survey, which showed positive but qualified support.

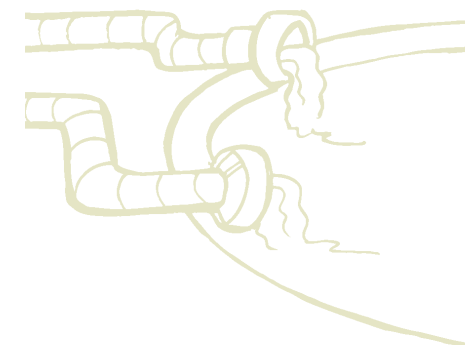
A community steering group was set up comprising two people each from the Residents and Rate Payers Association, from the wider community, from large-scale activities such as the campground, as well as two district councillors. Support was to be provided by the regional and district councils. During 2001 the group identified its objectives and further work that was needed. This included sampling on-site septic tank systems to assess their condition and undertaking a groundwater survey. It was found from these that most septic tanks did not meet modern standards and that there was groundwater contamination. It was agreed that the group would also look at water supply issues. The community was kept informed through newsletters.

A public meeting outlining a preferred option was to be held at Labour Weekend 2002. In September it was decided more detailed information was required before that presentation could go ahead. It was also agreed that the group would be extended to include local iwi and hapū and other community representatives. The group met in October and a further timeline was set. This included looking at what detailed information was required and how the wider community was to be kept informed.

The process is ongoing. It has been a long process, with times when there has been little progress. At the same time, the community has started to broaden their focus to look at water issues as well. The implications of decisions for the future development of the settlement are also understood.

Choosing a wastewater system for your community can take years from starting to think about it, setting up the process, doing the investigations, looking at technologies, getting funding and building the system. It will be slow, time- and energy-consuming, and frustrating. Meanwhile there will be pressures to move faster. It will be important to make progress, and you will need to be flexible. It will be equally important to make sure that what your community felt was a good process at the beginning is being followed through.

The project will be complicated. You will need to get a feel for the community's attitudes to growth, understand the technical options, environmental conditions and standards, different ways to fund and how the rating system works, and how formal resource consent processes work. You will need to find out who the movers and shakers are and who the politicians to work with are in the council.



How to survive: some advice!

- *Accept varied commitment and people's limitations. People will have different levels of time they can give. Don't get resentful if it is small, and take what you can get.*
- *Be prepared to repeat yourself. People will come and go – seasonal residents will have varying involvement. Be prepared to provide updates and to repeat information.*
- *Run a positive process – avoid the 'agin the government' approach. It is easy to get angry or dump other frustrations with authorities on the process. Try to be positive – it will allow you to explore options more easily.*
- *Give yourself a break – make it okay for people to move in and out of the project. The process will use up energy. The more tired people get, the harder it is to try out new ideas.*
- *Give people room to change their views. People will have strong views about the 'right' wastewater system. Focus on providing information and ideas that will allow them to change without losing face.*
- *Avoid the inner and outer circle approach. This is especially an issue for coastal communities where permanent residents and visitors don't always interact. Everyone's views are legitimate, and tolerance of different views is essential.*
- *Make sure the process makes it possible for everyone to take a leadership role. There is a danger of confident people dominating the decisions and ideas. There is also a danger that you will run out of steam when the leaders get exhausted. You need to encourage a pool of talent and be open to new people. Encourage people to take new people under their wing.*
- *Use different ways to communicate. Don't rely on endless papers and reports – only some people will engage with that. Use discussion, drawings, pictures and maps to convey ideas.*
- *Be honest about what is possible, or the size of any task. Don't suck people into the process with the idea that there may be only small involvement. Feeling trapped into participation is not going to be helpful in the long run.*
- *Be prepared to use outside help, such as a facilitator, to resolve conflict. You will run into conflicts – there is no doubt about that – within the group or outside. If you feel you can't fix it, get someone who is independent to help. Don't feel you have failed by doing that.*
- *Acknowledge that there are differences in power and influence right from the beginning of the process.*

5.2 Getting started

A community decision-making process usually starts in an informal way, with people slowly deciding that something needs to be done. There will be discussions among individuals, and then at some point things will need to 'go public'. There are different ways of doing this depending on the focus for your community. It might be via your local residents and ratepayers group, or the local school trustees group, or the local sports club.

Once you have started talking to each other and have agreed that something needs to be done, the first thing to do is sit down as a group and draw up a 'risk management plan'. This might seem a bit technical and bureaucratic, but it is absolutely essential if you are going to be successful. It is a simple process that needs to be documented as you go.

Getting on board with the idea of risk

Whatever the decision-making process your community chooses, you will not have perfect information to give you complete certainty about what the right decision is. You will have to work with the idea of risk, which involves understanding that problems may arise, the nature of those problems, their potential impact, and the probability of when they might occur. You will need to put things in place around these risks to either reduce the probability of the problem happening, or to deal with the problem when it arises.

There will be risks associated with the decision-making processes themselves: for example, a poorly run process brings the risk of increasing costs in formal resource consent processes. Over-confidence, listening too much to 'false alarms' and not listening to 'silence' around key issues are all risks.

There will be risks associated with each kind of technical solution; some will be acceptable to the community and some will not. Or, you will need to set in place processes to deal with them. For example, on-site wastewater systems can reduce the risks of water pollution, but there are risks that people will not look after them and they will fail. The community can either choose another system, or put in place processes to avoid the risk of people's neglect of their septic tanks.

It is important that the idea of risk and steps for managing it are part of every stage of the process you are working your way through. This needs to be done in a formal way, and you need to record your thinking.

The four steps for risk management

Risk management has four separate steps that need to be worked through.

Step 1: Understanding the issues

You need to understand the various stages of the overall process you are going to go through so that you can consider the risks associated with each of them. Overall there will be three broad levels of risk to think about:

- risks to your process of decision-making
- risks associated with the technical solutions you choose
- risks associated with the receiving environment.

In terms of process, you will probably pass through the following stages.

1. Getting a community mandate to start.
2. Initial design of your community decision-making process.
3. Gathering information about and understanding:
 - environmental problems
 - public health problems
 - how the natural systems work in your area
 - the social and development pressures on your community and people's expectations
 - types of technical wastewater systems, what they can deliver and their ability to deal with risks
 - the relationship between the possible systems and the realities of your area.
4. Choosing the best option.
5. Developing the best option.
6. Managing it in the long term.

You need to understand the risks associated with each stage. You will not necessarily understand all the risks at the beginning, and you will learn a lot. Don't worry about that, but make sure you review things as you go. Talking to other communities who have been through it will help.

In terms of risks in relation to technical systems, there is a range of things you can think about. These are explored in detail in Part Three, but some examples are:

- treatment process failure
- the reliability of the engineering systems and plant
- impacts of re-entry on the environment (eg, odour)
- re-use of recovered water and biosolids
- the ability of the community to manage the system
- development pressures and the capacity of the system
- ongoing running and maintenance costs.

Step 2: Risk or hazard identification

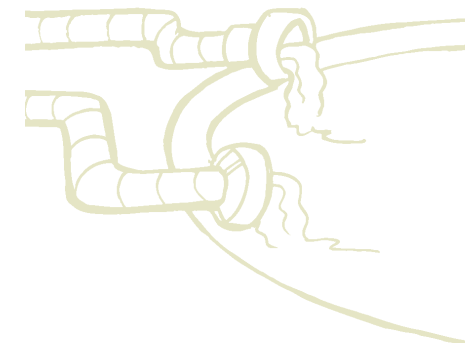
This step involves identifying each source of risk for each stage or issue. This is a very important part, and a number of the sections in this handbook will help with tips on what the risks might be and will provide information to help.

A particular issue for understanding risk in relation to the technical systems will be understanding how things will perform in normal conditions and in abnormal conditions. Normal conditions would involve understanding issues around the impact of discharges on the environment. Abnormal discharges might involve understanding how the treatment system might work if extra toxic waste suddenly went down the pipe into the plant, or how the plant would stand up to an earthquake.

Step 3: Considering the consequences of each risk

This involves thinking about the consequence of a particular risk and the probability that it will happen. For example, a risk might be that you could be challenged in the Environment Court by parts of the community, or they don't agree with the final option. The consequence might be that you have to start again. A key question is: is it likely to happen, for example, if you fail to keep people informed or fail to get them involved? This does not have to be a complicated process, but it can be enlightening and very useful.

There will be some technical issues to do with risks that you will need help with and that can be dealt with as you go.



Step 4: Managing the risk

This is the process you will put in place to deal with the risks. Often the process risks are neglected while a lot of effort goes into the technical risks. Within the technical area a lot of effort often goes into understanding the ability of the technical system to deal with health risks and environmental risks; less effort goes into dealing with the risk of the community not being able to manage the systems once they are built.

Your risk analysis may have layers, with a simple analysis of risk for each stage and then more detailed thinking for ‘bits’ within each stage. It may be worth developing simple sheets to record your risk thinking. They could look something like *Table 5.3*.

Process risks			
Stages	Risks	Possible effects	Management
Obtaining mandate	<ul style="list-style-type: none"> Others challenge process 	<ul style="list-style-type: none"> Delays Increased costs Diverse community – moderate risk of happening 	<ul style="list-style-type: none"> Make sure all groups are involved in setting-up process Develop communication plan (eg, newsletter)
Gathering information	<ul style="list-style-type: none"> People do not understand technical issues Important information not gathered in time 	<ul style="list-style-type: none"> Unnecessary conflict over options Delays All options not considered Technical issues complex – high risk of this happening Options cannot be fully reviewed Time delays 	<ul style="list-style-type: none"> Work out a process to introduce technical information Choose experts who can communicate Set timetable and do not proceed to next stage until people are comfortable with info
Misinformation	<ul style="list-style-type: none"> Information from one person, group or the media distorts facts 	<ul style="list-style-type: none"> Unnecessary conflict Lost time as issues are relitigated 	<ul style="list-style-type: none"> Have a communication plan Get someone respected by all groups to write up and send out information
Lack of resources	<ul style="list-style-type: none"> Overestimation of what can be achieved 	<ul style="list-style-type: none"> Unrest if don't deliver on promises (eg, about the process) Exhaustion for key people Some people excluded 	<ul style="list-style-type: none"> Think carefully about the process and what is needed at the beginning Negotiate resources – don't participate until this is in place
Consenting approvals	<ul style="list-style-type: none"> Major challenges through to Appeal Court 	<ul style="list-style-type: none"> Failure to include all groups and consider perspectives Failure to consider alternatives to proposed options Poor communication 	<ul style="list-style-type: none"> Spend time on planning the project Identify the full range of interests Involve them from the beginning Ensure you have the right information available

Table 5.3a Process risks

System risks			
Issue area	Risks	Possible effects	Management
Treatment process	<ul style="list-style-type: none"> Unable to handle normal circumstances (for your area) of both domestic sewage and food-processing tradewaste Abnormal – major sudden toxic load Odour and noise Plant breakdown 	<ul style="list-style-type: none"> Treatment system shut down – have to find short-term alternatives Low risk in normal circumstances High risk in future – area growing and new businesses coming in 	<ul style="list-style-type: none"> Set standards for normal treatment performance <p>Either:</p> <ul style="list-style-type: none"> set standards for tradewaste entering the system – restrict those the system cannot deal with <p>or:</p> <ul style="list-style-type: none"> restrict business growth <p>or:</p> <ul style="list-style-type: none"> identify likely tradewastes in future and design system to fit have a back-up plan in place if system fails resource consent and discharge permit provisions.

Table 5.3b System risks

With system risks, this process does not give you the final answer about the best system, but allows your community to assess the cost of designing the treatment system to reduce the risks. It also pushes you to assess the costs of a back-up process if the treatment system fails, or the costs of restricting some business development.

You won't know all the risks you need to consider before you begin the detailed thinking about technical options. But if you are going to use a community-based decision-making process, you will need to begin thinking about these issues early on. Often the traditional approach is to have experts go away and assess systems and risks, rank them, and then ask the community to make choices. A community-based system requires your community to understand the issues and risks prior to exploring options. Therefore, as part of your community design process you need to plan for time to gather and make information available to people about the kinds of risks and issues that exist.

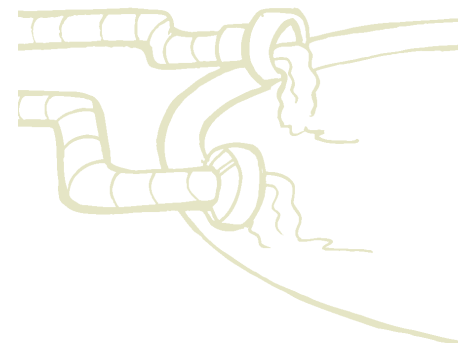
Many of the environmental and health issues will be discussed by professionals in terms of risk. For example:

- What is the risk of health problems if there is some leakage of sewage from pipes or a septic tank?
- Should pipes and a treatment plant be designed so only a certain number of overflows occur?

- Is it a problem if the overflows are cleaned up immediately?
- Is it better to design the wastewater system so that people will never come into contact with overflows?
- Or is it more realistic to allow for some overflows, but put up signs to keep people away from beaches or discharge points when it happens?
- What is the risk that people will take no notice?
- What is a reasonable compromise between health risk and building heavily designed systems that are extremely expensive?

There are further questions:

- How likely is it that there will be a failure in the nutrient cycle in the local lake if a certain volume of nitrogen is deposited in a nearby stream?
- Will there be an immediate effect, or will the amounts need to accumulate to have an impact?
- What is the level of risk if the volume of water in a stream is low because of drought over the summer?
- What is the probability that drought will happen?
- What is the risk of pollution of groundwater and soils if there is heavy rain and the water table rises?
- What is the likelihood of heavy rain and flooding?



These last issues are particularly hard to understand because the experts talk about such things as a one-in-five-year drought or a one-in-100-year flood. This doesn't mean that the flood will only happen every 100 years – it could happen any time. It means that a flood of a certain size occurs more or less frequently. The risk management issue is making sure the system is capable of dealing with that volume of water if and when it happens.

Understanding this language of risk is important. A good community process will depend on people having a general understanding of the technical issues so they do not feel forced to accept options and decisions. This does not mean everyone needs to become an expert, but experts will need to be prepared to explain the technical language and the way they think about risks. Your community process will need to work with each expert to understand the risks they are trying to manage and the trade-offs and compromises between them.

The remainder of this section looks at designing your community-planning decision-making process.

5.3 Developing a decision tree

Some risks to be managed include:

Issues coming from 'left field'

- information is not ready when you want to start making decisions
- the formal consent process fails or is slowed.

These risks are heightened if you have not:

- thought through all decision-making points or stages
- thought of all the material 'inputs' at each stage
- factored in the thinking about risks at the right time.

It is all very well to think about the risks and issues. But how do you string them together in the right order? There is a logic to decision-making that is often only possible to see if you build up a road map of the key routes, intersections and give-ways. This visual approach is sometimes called a decision tree.

A simple decision tree is shown in *Figure 5.1*.

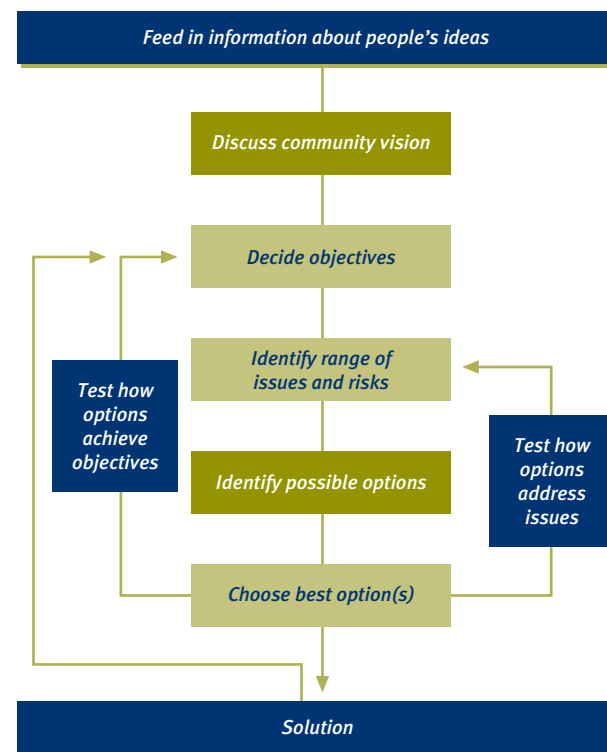


Figure 5.1 An example of a simple decision tree

There are some examples of decision trees, flow charts or 'logic processes' in *Appendix 8* which have been used for some wastewater options. They include:

- a process for deciding whether pit toilets are the best option
- a process for deciding on a septic tank system.

The focus of these is on the important decisions that will need to be made about technical options. The process can also be used to describe and plan each stage of the community process. For example, the next subsection is on how to get a mandate and how to keep it. It may be worth drawing up a flow chart or 'road map' of the main things that need doing, and the decision points.

A decision tree can be used for the 'information gathering bit', for any process that you might use to work through with the local council, for any part of your overall task. In fact you can have a series of layers, with a broad overall process, and then a breakdown of each part. This might seem excessive and overly detailed. But if you remember the length of time (it can be years), the amount of effort and the complexities of the formal consent processes, it is worth doing.

Remember that the potential impact of the wastewater decision will determine the complexity of your processes. If it is a simple issue of whether to upgrade the septic tanks in your area, this may involve less complex processes than if the issue is whether to build a big system that can accommodate major new growth. This is discussed further below.

5.4 Getting a mandate and keeping it

A key thing will be to talk to the people you think have influence in the local community (it may of course be you!) and get them on-side about doing something. This is called having a mandate.

You face a choice, at some point soon, about whether you go to the local council or whether the local community builds up its own mandate. You may be tempted to go to the council because you can get money to help in the early stages. In fact it may be useful to try to put off doing that until you have a clearer idea of what you want to do.

Even if the pressure to look at wastewater issues is coming from outside, make sure you have got your own process well pinned down before you respond to that timetable. It may be worth letting someone know that the community is looking at a process, so that a formal one is not designed and under way before you know it.

Think about bringing people together and get a mandate to start a process. At that meeting:

- get agreement on the way forward (eg, are you going to work via an existing structure?)
- get agreement about who would like to be involved (don't worry if the group is large)
- be prepared for the wider group to start taking the initiative and leadership
- get agreement about how things are to be reported back and how people are to be kept informed
- agree when any positions of leadership and representation are going to be reviewed.

Some risks to be managed include:

- challenges during formal processes, such as when going for a resource consent
- splits in the community that lead to long-term tension
- having to go back and repeat parts of the process.

These risks can be reduced if:

- an effort is made to involve all groups
- people in the process feel that their representatives are expressing the wider views of the group.

5.5 Developing a process with iwi and hapū

If your group is driven by your local iwi, hapū or marae then this is not going to be an issue, although, as occurs in any situation, the processes among these groups do not necessarily always work well. Otherwise, now is the time to make sure you have a partnership with your local iwi or hapū, or their representatives.

Remember:

You should not treat your relationship with iwi as a sort of consultation process. You need to have an agreed joint process with them from the beginning.

Communities becomes frustrated when authorities press ahead with ideas and develop proposals and options before seeking to involve them in the process. Māori communities are no exception. The role of Māori in any wastewater management initiative extends beyond that of simply being a stakeholder – they have a formal role in the decision-making process.¹¹

Certainly, as part of any later formal consent process, you will come to know what local Māori groups, including iwi and hapū, in your region think of your proposed options. However, the collaborative approach (in terms of the principles of the Treaty of Waitangi and provisions of the RMA) assumes a level of participation by Māori which is more comprehensive than that of endorsing (or challenging) your final proposals. The best way to do this is to start early.

Your picture of partnership with various groups could look something like *Figure 5.2*.

¹¹ See *Section 4.1*.

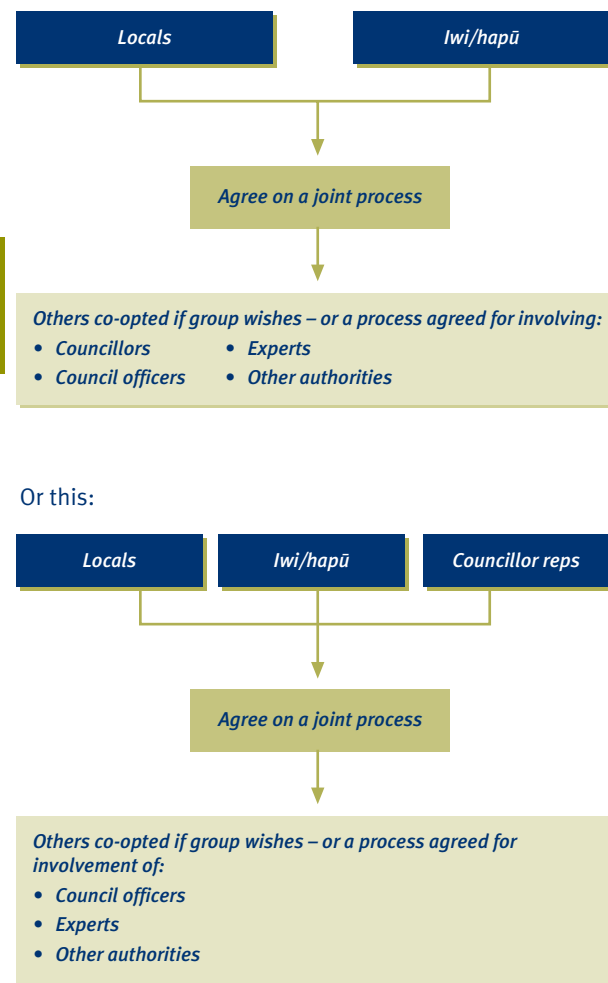
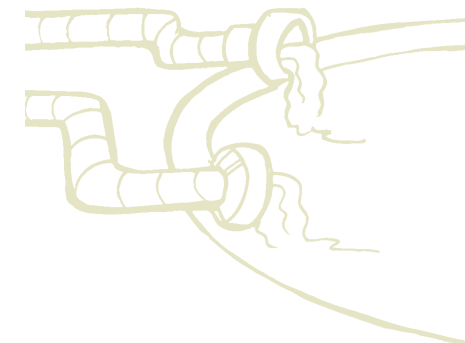


Figure 5.2 Examples of community partnerships

Working with iwi and hapū organisations and with Māori residents: some tips for those who are unfamiliar with the area

- Don't assume that local Māori residents are members of the local iwi. If they aren't, they cannot be expected to speak on their behalf. They *may* however, be able to help you identify the relevant representative body with which you should be making contact.
- You will still need to talk with those residents, for they will not only offer a relevant cultural perspective, but as community members, they may also have views on your proposed initiative. It is important to remember that engaging with Māori at this level is not a substitute for working with the relevant iwi or hapū authority.
- Your council may be able to help you to determine whom to contact, but don't rely on that – not all councils know or will have got it right.
- Once you have made contact with the appropriate iwi organisation, it may also be appropriate to engage directly with various hapū in the region. This is a bit like talking to a regional council: it may have responsibilities for some things and the local authority will have responsibilities for others, often with more direct day-to-day involvement. Representatives from your local iwi authority will be able to advise you on what level of consultation, beyond the representative body, might be necessary, and may also be able to provide assistance to ensure you get it right.
- You may find local hapū to be marae-based, including a marae committee, and you can make contact through them.
- In addition to iwi and hapū structures there will be family or whanau groups who may own land in the area or have an interest. They should also be approached to see if they have an interest in being involved. They may also be happy to work through the other groups.
- You may find that tensions exist between the various hapū and the iwi organisations on these issues. There may also be conflicts and tensions between individual people – this is no different from other groups. Don't get bogged down in the issues. Don't expect groups to agree – there is no reason why they should. After all, local and regional councils don't always agree.

- Remember, too, that there may be other groups who have had a history there in the past who have moved out of the area long ago. They may have urupa (burial grounds) or other wahi tapu, which they have an interest in protecting. This is akin to having a family grave in a town that you no longer live in. You still have an interest in protecting the site.
- Talk to as many of these groups as possible about how they may want to be represented on any steering group. Don't be afraid of having a number of people there. They have a responsibility (called manakitanga) to look after the wider community as well, and they will. They may prefer to agree to a good process rather than having representatives. That's fine, but you will need to take responsibility for making sure that talking and discussion occur.
- Remember, like other members of your community, many Māori are working full-time. As well they may be heavily involved in marae and a host of other activities. Don't assume that because they are unable to commit a lot of time to something, they are not interested in the issues, or are not concerned.
- If, as a part of your over-all project you will be seeking funding assistance, remember that many marae and other iwi organisations also operate on limited resources. Take into account that they may need assistance to participate in any community planning process.
- Wastewater management often affects wahi tapu and seafood-gathering areas. You may need information about sensitive sites to manage discharges. Be aware that often, only certain people will hold that type of information, especially where wahi tapu is concerned. Past desecration may make people reluctant to give out information. Talk this through and work out a way that can allow good decisions to be made without endangering the sites. Something may have already been developed with the local council. Check this out.
- There will be protocols used in meetings and discussions – make yourself aware of them and see how they can be respected in any wider processes the community may have.
- In the end, the key issue is likely to be whether treated wastewater is passed directly to water or passes through the land. You will need to include this in your thinking. You will also need to be honest about whether the community is really committed to examining this issue. The partnerships set up at the beginning of the process may need to make a formal commitment to looking at this approach so that it does not get lost.

- Remember that iwi/hapū members will be involved in any resource consent process and have a formal statutory right to be there. They will reserve that right. They will also reserve their right to challenge some issues. This is a bit like the council: it will involve itself in discussions and develop options, but it also has responsibilities through formal processes to protect the environment. Like iwi and hapū members, the council will protect its regulatory role.
- This may all *seem* complicated, but it is no more so than trying to cover all the other residential groups and interests, the ratepayer groups, the recreational fishing groups, your project will bring you into contact with. Do not assume that in talking with one person, you will have addressed all possible issues.

Remember:

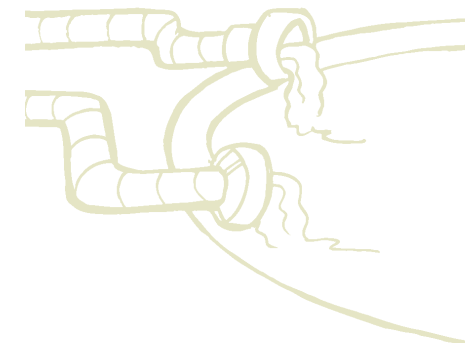
- don't worry about getting things wrong at first
- talk things through with your iwi, hapū or marae organisation
- people will welcome a process that is done in the spirit of partnership.

Risks to be managed include:

- rejection of your community process by the local council if it has a commitment to working with iwi and Māori residents
- loss of trust between Māori and the wider community and council if the wastewater issue is poorly managed
- challenges during formal processes, such as when going for a resource consent – considerable weight will be given in formal processes to how the community has worked with iwi and hapū
- splits in the community that lead to long-term tension
- having to go back and repeat parts of the process.

These risks can be reduced if:

- iwi, hapū and other Māori residents are involved early in the process and work in a partnership framework, including at the decision-making design level
- wider kaitiaki responsibilities are respected and statutory requirements understood
- the particular spiritual concerns of all groups are recognised and given respect
- iwi organisations work well with local hapū or marae groups, and vice versa
- there is willingness to seriously consider Māori perspectives about waste treatment and re-entry into the environment
- all people who have a right to speak for the groups are included and consulted
- enough time is set aside for internal discussions.



5.6 Designing how you will explore options

Once the community has decided on doing something and has established some sort of structure to take it forward, the next stage is to design the process for choosing wastewater options.

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One tip for designing your process is to understand the level of agreement in the community about where people want to go. What is the *long-term vision*?

There may be a remarkable agreement about what that vision is. There may not only be agreement among locals but with the wider council and with possible future developers. It may be that your community is not under a lot of population pressure (either growth or decline) and there is little pressure from tourism. It may just be that the current wastewater system is old and needs replacing, and you want to review what is available. Or it may be that the community is not sure if it is right on the ‘cusp’ between continuing with an on-site system or changing. You need to know whether you really do have to change your system or whether you have flexibility.

Suppose you want to get a better system, but you don’t want to change or grow. In that situation you don’t need any elaborate exercise of matching choices about community development to wastewater systems. You just want a simple technical fit to your circumstances.

Straightforward? It seems like it. You had better be sure, because if you make assumptions and get further down the track – invest in a system and then face major pressures – it’s going to be a big problem.

This suggests you need a ‘community vision-checking’ exercise. This is really just bringing people together to look at people’s expectations for the area, what the pressures are, how real it all is. The questions the community can ask itself can go something like this.

1. Are there any existing plans for some land owners to build and develop?
2. Does anyone have a development gleam in their eye?
3. Do people want to subdivide their backyard (eg, to fit a bach for the daughter’s family on it)?
4. If everyone did that how much growth would there be? A lot?
5. Does anyone know of any outside developers who are keen to do something?
6. Does the council have any grand plans? Check for an Urban Growth Strategy and what is in the LTCCP.¹²
7. Is there going to be a major oil or gold find in the area that will mean a boom?
8. What are the tourism operators up to?
9. Is our town ever going to attract a tourist?
10. What does the district plan say?
11. Do you generally mind if things change? Are there differing views on this?
12. Is the population declining?
13. Is your community growing?

If there are conflicting views you don’t have to find a solution. In fact don’t even try – it will just become messy and it is unnecessary. You just have to know what the pressures are and whether there are differing views in order to develop a process. Once you know, you can put together the best planning and design process to fit your circumstances. You can find this information out in various ways, and you don’t have to spend a lot of time doing it.

Some tips

- Check whether this sort of thing has been done in your area in the last few years. Local authorities do visioning exercises more and more. Don’t reinvent the wheel.
- Don’t spend too much time getting information at this stage. Getting the local planner, or local land owners/ developers to present ideas to the community may be useful.
- Above all, talk to land owners, hapū and groups such as local women’s and service organisations.

¹² Long Term Council Community Plan

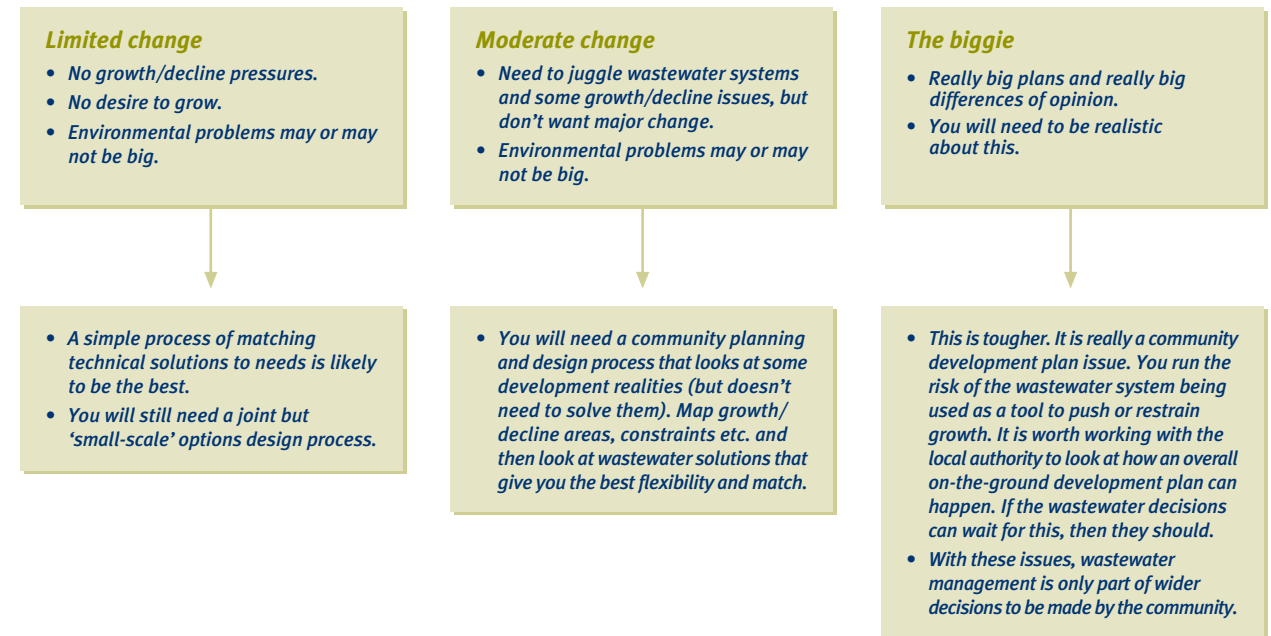


Figure 5.3 Examples of community classification

Remember that you are not trying to solve future community development issues – only find out what is going on. Once you know the attitudes and possible pressures, you can probably classify your community into something like Figure 5.3.

Community control over analysing options

To ensure a community-driven process for selecting a wastewater system, it is essential that the community manages the way that options are developed and selected. Often the model used by an external authority is to seek preliminary views from the community – usually about general values and development intentions – then develop options. The information used to develop the options is developed by the professionals for professional use in the options analysis.

The community process means the information is developed for use by the community and professionals, who will combine for a practical analysis of the options. The community will need to have a major involvement in setting the framework and signing off work commissioned for the project. It will have to insist that the community understands the background information and the possible systems before the actual joint community design/options analysis happens.

Developing options: some ideas on how it might be done

Whether it’s the ‘limited change’ approach for your community, where the wastewater issues are dominant, or ‘the biggie’, where the development issues dominate, a community-based options design process is important. Whatever the process you choose, there are three broad elements that probably should be included.

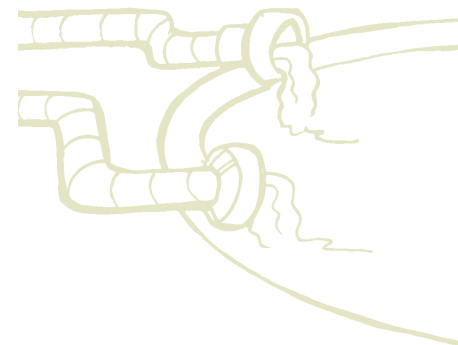
1. Pull together the information needed to think about options and get it out to people first. This needs to come before any joint options/solutions session.
2. Then hold a *joint community options process* – in conjunction with the experts and key players.
3. Finally, design a *follow-up period* where people can consider the ideas developed, think about them, get them checked for detail, and work through any further choices.

It is important that whatever the process, the community has access to information first and can take a lead role in a meaningful way. From an expert and council perspective this can be very valuable, provided everyone has the same level of information and the process is not captured by a few informed members of the community.

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A joint community options event: a possible approach

One approach to bringing the community together to choose a range of options for detailed analysis is to have a ‘short sharp event’ that takes place over a set time – perhaps a week or a weekend. Experts and the community would work together in the same room on plans and in discussions. The focus should be on the actual physical place – you cannot choose a system without stepping out the door and looking at the area you are planning for.

This means going beyond general vision statements such as ‘to have clean beaches’ or ‘to ensure that where possible the wastewater system replicates natural processes’. The process needs to focus on actual maps, visiting sites, and deciding exactly which part of the landscape might be modified to take a plant. It is really just old-fashioned physical planning based on the place, while trying to select technical wastewater solutions that fit your community’s social and economic needs.

This options process should not be a general overview of the issues. It should get down to where, what and how, and should be able to test for costs as you go. The wastewater experts you work with ‘shoulder to shoulder’ should be able to produce a general range of costs for different systems easily. If there are conflicting views, try to fix them on the spot by finding practical on-the-ground solutions. *Figure 5.4* provides a template for a community options session, providing goals for what you can expect to achieve.

There are variations to this approach, but the main idea is to avoid a long process of community vision statements, consultant reports on technical issues, then separate development of options, then submissions, then a decision. A ‘place’ focus allows everyone to take all the factors together, test options, and discard some at an early stage without fixed positions being taken. Local knowledge is just as important in this process as expert knowledge.

With this kind of process, the preliminary information stage is essential to ensure that everyone participating in the process has equal access to information. There should be no surprises.

This isn’t a magic solution, nor is it guaranteed to be problem-free, but it does help people to look at things in a fresh way. It helps people to work together and deal with the detailed issues, rather than looking at general principles and leaving the experts to develop the options. It will require some intensive project management pulling all the information strands together for the joint options work.

Some risks to be managed include:

- resistance to a community decision-making approach on the part of agencies (low risk: most agencies are committed to community processes)
- loss of community influence during the process (medium risk)
- it can become a long, drawn-out process, with high costs, loss of influence and burnout (high risk)
- people dropping out of the process (high risk)
- capture of the process by particular interests and groups (high risk)
- external agencies may not trust the process and therefore decisions, and will challenge outcomes in formal processes (medium risk)
- the process bogs down in debates about the future development of the area.

These risks can be reduced if:

- people feel empowered by having access to knowledge and information
- agencies feel a community-driven process is designed to include them and their particular responsibilities and concerns about risk
- people recognise that the wastewater issue is intertwined with questions about the future of the community (development issues)
- the community is involved in the commissioning of information
- the process is designed to consider development issues ‘head-on’.

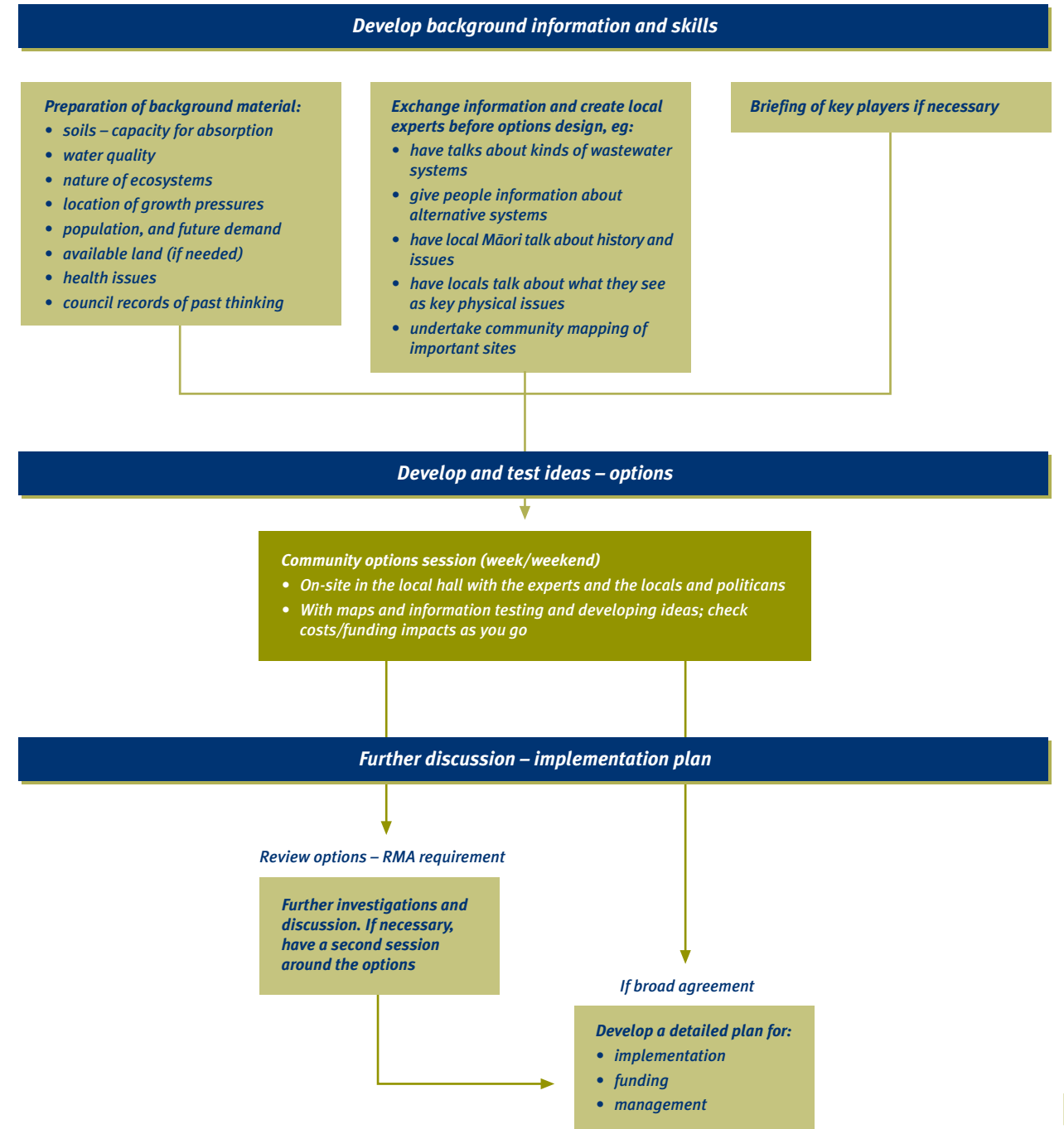
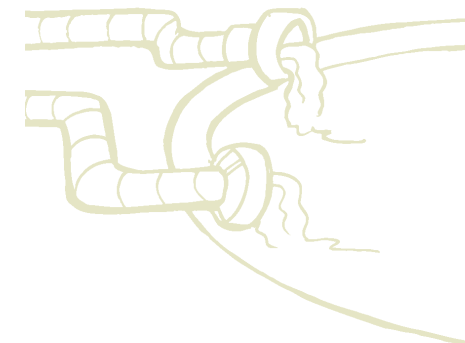


Figure 5.4 Developing a community options session



5.7 Information

A community-led process means having access to information about issues and opportunities in a form people can understand. The information you will need will fall into four broad areas.

- *an overview of pressures and people's vision for their community:* to help understand the kind of community options process you want to use
- *the legislative framework:* including the local land-use and environmental management rules set out in the local district plan or the regional plans
- *technical information to bring people up to speed so they can participate in developing options:* if the information is being commissioned via the council, don't fall into the trap of getting an expert 'options analysis' done before any community design process. This may foreclose on perfectly acceptable systems. The options thinking should be developed once everyone has had access to the necessary information. You may use a formal risk analysis process that helps you to identify all the information you are going to need
- *expert peer review of the solution developed by the community to see if any technical issues have been missed:* don't fall into the trap of this part becoming the real options analysis, with the community design process being just an information exchange forum. The community design process should have people there who can look at options in terms of funding and costs, as they are discussed.

The information gathering should emphasise pulling in people who are able to talk about information and explain technical matters and ideas. People in the community will have to do their homework and read written material. This does not mean they can become experts. It does mean they should be able to hold their own in discussion, challenge ideas and act as full players in any options decisions.

How to gather the information

You may choose to depend on a relationship with the local council to gather information and engage experts. How this is done will be important to the integrity of your options process. If the commissioning of the work is left to the council, it may fall back into the old process of commissioning an options analysis and then consulting. This won't be because of a desire to ignore the community-based approach – it will happen because people are used to working that way. A community design process needs the information to be gathered and made understandable, with the options analysis happening later as a team process.

So, if you are working with the council, consider developing a process that provides for the following.

1. Issues and options development stage

This will involve:

- joint exploration of information gaps
- identifying how these might be filled
- jointly commissioning an expert to develop information if there is a gap
- jointly interviewing and assessing the ability of experts to:
 - convey information in lay terms, verbally and with graphics
 - listen to local information and ideas and respect them
 - work in combined design groups
- development of a process for formal assessment of environmental effects (AEE).

The last of these skills are important and may not be so easy to find. There will be some land-use planners (planners will need to be involved) who are used to such a process. Some engineers may be less familiar, but will be more than willing to participate.

2. Technical peer review of options, environmental effects, costings and analysis against objectives.

Jointly commission the peer review with a clear project brief.

Avoiding re-inventing the wheel: where to go for assistance

It may be useful for the community to explore the availability of experts and establish a pool of people who would be useful, before starting any formal process. This will include those who can undertake assessment of the environmental effects of options. Some engineers specialise in wastewater systems for smaller communities; it will be worth searching them out and getting them to talk initially about concepts. There are also organisations that have an interest in the improvement of wastewater management and the use of alternative systems.

Many small towns and settlements – especially coastal towns – have struggled with wastewater issues. It would be worth hunting them down and talking to people, maybe even getting them to come to talk to your community. The case studies used in the handbook will give you some ideas but there will be more. Professional experts might be able to point you to others, while local authorities should be able to help you with examples in their area.

Finally, there is a very good chance that wastewater issues have been investigated for your community or nearby communities by the local authority in the past. It is worth digging for this. Current staff may have limited knowledge of the work; if so, try to get someone to go back through drainage records to check. The technical information and systems may be dated, but there may be perfectly useful information about soils, hydrology and even water quality.

Your community may have attempted to get to grips with the issues in previous years. Check this out and try to track down the person who holds the records.

General checklist of information needed for a design process

(a) Understanding future demand for wastewater services

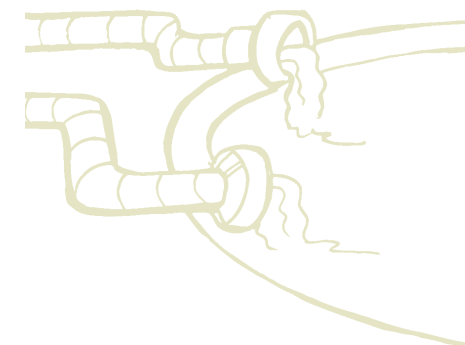
Your local council should have some feel for this. It can be commissioned or it can be pieced together from various sources.

Information needed	Suggested sources
Expected population growth	<ul style="list-style-type: none"> • local authority • Statistics New Zealand • be careful about assumptions underlying the figures – check against your 'gut' feel
Number and type of households	<ul style="list-style-type: none"> • as above
Number and type of businesses – future growth	<ul style="list-style-type: none"> • hard to do and will depend a lot on local knowledge (eg, camping ground owner wants to expand)
Current wastewater volumes of an existing system – in wet and dry weather	<ul style="list-style-type: none"> • local authority

(b) Understanding current problems

You will have a feel for this, but the impact on water and ecosystems will need to be quantified. Any health problems will need some sort of assessment. Your local council should have some feel for this. It can be commissioned or it can be pieced together from various sources.

Information needed	Suggested sources
Water quality, groundwater, streams etc.	<ul style="list-style-type: none"> • local council and regional council • local iwi • local people • expert assessment of impacts
Human health	<ul style="list-style-type: none"> • local council / regional council – especially for impacts from bathing • local medical officer of health • GPs
Ecosystem health – just dealing with water quality information may not let you really understand final impacts on ecosystems	<ul style="list-style-type: none"> • You probably need to commission an independent assessment – expert advice is important for this. • You will need to talk with iwi members and locals. • Remember – look at water ecosystems as well as things like the local condition of soils.



(c) Physical constraints and local conditions that might affect the choice of system

Information needed	Suggested sources
Soils – condition, capacity to absorb wastes and wastewater	<ul style="list-style-type: none"> local council and regional council local iwi local people expert assessment
Hydrology – water flows, etc.	<ul style="list-style-type: none"> local council will hold some information related to flood management local iwi and local knowledge expert assessment
Marine and coastal environments – issues such as whether there is an adjacent marine reserve, seafood-gathering area, valuable bush or wetlands	<ul style="list-style-type: none"> local council, regional council and local knowledge Department of Conservation local iwi local environmental groups you may want to get an independent assessment of implications

(d) Social and cultural constraints and local conditions that might affect the choice of system

A key issue may be the age of your community: are people going to manage on-site systems? It may be the overall level of income: what sorts of systems can people afford?

Information needed	Suggested sources
Types of households, age, future age, income (eg, are people on fixed incomes such as superannuation?)	<ul style="list-style-type: none"> local authority Statistics New Zealand local assessment of issues
Information about what people value about their area	<ul style="list-style-type: none"> local expertise – discussions, community mapping, survey (maybe) remember your seasonal populations if you have one
Tangata whenua concerns and issues	<ul style="list-style-type: none"> local iwi and hapū

(e) Understanding the wastewater systems

This is obvious, but you will need to get the information in a form everyone can understand. The handbook is a start, but there is no substitute for face-to-face discussion and summaries.

Information needed	Suggested sources
Types of system	<ul style="list-style-type: none"> expert who knows how to communicate handbook and technical back-ups networking with other communities local authority (only after you have canvassed things first)
Pros and cons of each system	<ul style="list-style-type: none"> independent expert – get one who is interested in small community systems expert who knows how to communicate handbook and technical back-ups networking with other communities local authority (only after you have canvassed things first)

(f) Understanding funding and management

Information needed	Suggested sources
How does the rating system in your area work?	<ul style="list-style-type: none"> local authority
What are the available funding options?	<ul style="list-style-type: none"> independent expert – get one who is interested in small community issues
What are the management options available to go with your wastewater system?	<ul style="list-style-type: none"> get the wastewater systems expert to include this in their discussions find out the local authority's attitudes.

Where possible, the information needs to be mapped, in pictures and diagrams, and summarised. Nobody should be expected to wade through detailed reports – at least until they have become experts on the systems.

Risks to be managed include:

- developing options that don't fit people's vision for their area or the problems that exist
- formal and individual challenges to the process
- people withdrawing from the process.

These risks are reduced if:

- information is provided with the aim of involving people in decision-making
- information is provided in a form people can understand
- anecdotal information is given a status in the process
- information about what people want for their community is gathered
- information is gathered about the community, what it will be like over time and what systems it is capable of managing
- people are provided with the tools to participate in developing options rather than being confined to choosing between them
- information about risks is well understood.

5.8 Facilitation, negotiation and conflict resolution

Organising and running a community process where people have differing views, or where sheer numbers make it complicated, takes real skill. Often the loud and the powerful will dominate. Thinking about how to facilitate events and discussions is very important. There may be people in the community who have those skills, or you can bring someone in who has those abilities.

Some key times when facilitation may be useful are:

- negotiating any partnership or relationships with the authorities about how they will be involved in your process
- running the intensive community options process (this is probably essential)
- prior to and during the resource consent process.

There will be times, particularly during the community options period, when negotiation skills will be needed. For example, there may be a perfect option, provided the council is prepared to be flexible around some requirements – or a large land owner may be fixed on what they want to do. The beauty of having a range of wastewater systems to choose from means that it could be possible to negotiate a solution that fits everyone's particular needs. The developer's needs might be covered if they use a cluster system while others use on-site systems – provided the developer does the development in a sensitive way.

During the formal resource consent period there will be formal opportunities to negotiate solutions and seek mediation around choices and positions. This will require particular kinds of skill and familiarity with the RMA and legal requirements.

The ability to negotiate during an intensive process is a valuable skill. Rather than bringing in someone from the outside who has general skills, you need to gather technical experts and locals around the process who can negotiate in this way.

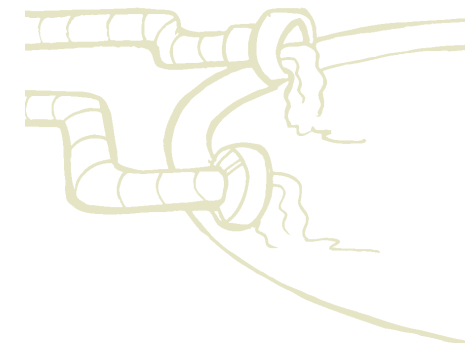
Finally, there may be quite serious conflicts on an issue – about the process, the actual wastewater systems, the community goals for the future shape of the area, the environmental effects, and tangata whenua concerns. You need to design in a conflict resolution process at the beginning and stick to it. Get agreement about who might be used: they need to be independent and acceptable to everyone.

Risks to be managed include:

- domination of group processes by strong individuals
- domination by experts, councils and major interests
- rushing the process.

These risks can be reduced if:

- processes share responsibilities, talking time and information
- the decision process is open and transparent
- everyone's agendas are out in the open.



Piha-Karekare wastewater options study

The Auckland west coast communities of Piha-Karekare in Waitakere City comprise three settlement areas separated by two streams. The estimated permanent population in 745 dwellings for 1995 was 2,660, rising to a peak summer holiday level of 5,215, with a further 6,000 day visitors. Both streams, which discharge to popular recreational areas, exhibited high enteric bacteria levels above those set for bathing-water quality. This was considered to be due to failed and poorly performing on-site wastewater systems, exacerbated by high population levels at peak recreational times. Poor soils, difficult topography, substandard installations, and lack of system maintenance contributed to the problem.

A partnership approach to resolving the issues at Piha-Karekare was instituted by Waitakere City Council and community representatives. This began with a community consultation programme, following which three main initiatives were developed. First was the provision of community information, including resource material on operation and maintenance and upgrading of on-site systems. Second, participatory community projects were introduced. These included demonstration projects for alternative technologies together with stream clean-up events and stream monitoring programmes. Third were on-property investigations and system performance assessments. These identified some 177 faulty septic tank and soakage systems on 671 properties.

For the 25% of all properties found to have faulty systems, average upgrade costs were estimated (1996) at \$15,040 per upgrade. Full upgrade for all properties with effluent outlet filters retrofitted on septic tanks and with ETS beds or LPED trenches to replace failed existing soakage systems was estimated at \$8,860 per lot. To retrofit all properties with new septic tanks and new disposal fields was estimated at \$16,107 per lot. Community off-site reticulation and treatment options varied from \$15,170 to \$18,790 per lot.

The least-cost option of upgrading faulty on-site systems and retaining all other on-site systems would only achieve an effective long-term solution provided that all systems were placed under a maintenance and management programme. This was recommended to involve twice-annual (summer and winter) system inspections, along with continuance of the council-organised septic tank pump-out scheme.

5.9 *Maintaining an audit trail*

Maintaining an audit trail (so that anyone can see what you have done) will be important because at some time you will move from a community process into the formal process of application for resource consents. Then you will need to show:

- how the consultation and community discussion have occurred
- the process whereby iwi, hapū and Māori residents were involved
- the assumptions and reasoning behind the key 'inputs' into the options (eg, what did you assume about population growth?)
- the technical information used
- the process for formal peer review of the issues and options
- the decisions made and the reasons for them.

Key to this audit trail will be keeping records of meetings, and this should be as formal minutes. Records of meetings should include:

- any formal set meetings, such as a working group or committee
- meetings with experts and external groups where decisions were made about key issues – not just actual options, but also decisions about key assumptions, etc.
- any formal notices of meetings.

It is worth keeping file notes of conversations with any key players so that people are clear about any day-to-day decisions that have been made. Keep copies of newspaper articles, council committee reports, background technical documents, etc.

This might seem like a huge paper trail, but if you do this your case will be so much more powerful in any situation where there is a formal challenge. It is also possible that the project will be long. People will come and go and it is important that anyone taking over the records can trace the history. If your structure includes a secretary, it is worth appointing a helper (if you can get one!) because it will be a big task.

You will probably be working in conjunction with the local council, and will both be generating a paper trail. It is worth agreeing on some sort of protocol or process that has your record-keeping 'in sync'. Council records will have their own record/file number and it is worth getting a list of those being used so you can gain access to records quickly, even if you don't hold hard copies.

Finally, keep paper copies *and* electronic copies!

5.10 *Communication*

This is one of the most important factors in maintaining a successful community decision-making process. Without good communication it will fail. It's as simple as that. If people don't know what is happening they will become suspicious. Publish a regular update – even if nothing obvious is going on. If the timetable is falling behind, explain why, and talk about any knotty issues up-front.

The local council has a stake in the process working well and it is worth having a joint discussion about communication. It may be possible to have something in a council-published paper, provided it is made clear that it is a joint report on progress. The local newspaper may be willing to make space for a regular update.

Beyond this, have regular contact with key players. This could include key land owners who might not even live in the area; it *must* include iwi, hapū and marae groups. It is worth touching base with key council officers and other agencies. The best way to do this is by having a joint working group.